

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, September 18, 2018

Agenda:

- #0918-01 30 Fairmont Place, c/o Chris Russo of Russo & Rizio, LLC, Fairfield,
(Meghan Riccio of 30 Fairmont Place, Owner)**
#0918-02 15 Robert Frost Drive, Douglas Schneider of 15 Robert Frost Drive

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the September 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, 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 who is filling in for Commissioner Linda Adanti; Commissioner Bryan Vasser; Tina Kelly, our clerk; myself, Chair Ed Conklin; to my right is Commissioner Jamie Jones, and to his right is Commissioner Phil Cavallaro.

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 August 21, 2018, at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT:

#0918-01 30 Fairmont Place, c/o Chris Russo of Russo & Rizio, LLC, Fairfield, (Meghan Riccio of 30 Fairmont Place, Owner) for the following: 1) Variance to Section 24.1, to reduce the minimum lot area per dwelling unit to 2,927 sq. ft.; 2) Variance to Schedule B, Section 24.1-2 to reduce lot area required for five-family dwelling to 14,630.50 sq. ft.; 3) Variance to Schedule B, Section 42.2 to permit stacked, off-street parking spaces in order to convert an existing four-family residential dwelling into a five-family residential dwelling with associated site, parking, landscape, and drainage improvements in an R-4 zone.

CHAIRMAN EDMUND CONKLIN: Is the applicant here?

UNKNOWN VOICE: Chairman do you want me to come up here to present or

CHAIRMAN E. CONKLIN: Yes come up here. Why don't you come up too? There is an easel over there.

UNKNOWN VOICE: I could just use the chair.

CHAIRMAN E. CONKLIN: You can bring over if you can bring over or sit down either one. Okay. Name and just for the record please.

ATTY. CHRIS RUSSO: Sure. Chris Russo, with Russo, and Rizio, LLC, offices at 1 Post Rd. Attorney for the applicant Megan Riccio who is the owner of the property at 30 Fairmont Place.

CHAIRMAN E. CONKLIN: Okay

ATTY. C. RUSSO: And I have the

CHAIRMAN E. CONKLIN: Is this gentleman going to speak?

ATTY. C. RUSSO: Yes. So, this is Dan Riccio, again lesser half I guess you would say, right. He's, he's going to be the one who's managing and developing the property. And so, we're here for the variances stated to really I think bring a win, win, win, for this property. Win for, the, for the client but also, for the neighborhood uh, and also, for the city as well. Uh, many of you may be familiar with this building, this dwelling. It was a part of St. Joseph's Church. So, this is a church there's St. Joseph Church on Fairmont. There is the building that's next to it. Then there is a parking lot and then there is this building, which the church sold to my client. It is a four dwelling unit building, a four unit building. It was rented when my, when my client bought it fully rented. But it also, has a commercial kitchen. And I just want to show you the picture. It's located in the R-4 zone and I have pictures for everybody. So, a commercial kitchen that was used by the Knights of Columbus. They prepared their large banquet meals there. Um, you could see the equipment that was in there. And So, we're seeking to, to, eliminate that nonconforming use, that commercial kitchen nonconforming use and replacing that area of the dwelling which is on the first floor with a, another residential unit to make a five-family dwelling. So, eliminating a nonconforming use and, and establishing a conforming use in, uh on this property. Obviously the goal is to try to eliminate nonconforming uses. We are doing that with this application. Just to orient, orient you before I go into to what we are proposing. So, Fairmont Place, Union Street we're right on the corner if you go down Fairmont Place you'll find a lot of multi families. At 6 Fairmont At 9 Fairmont there's another three family and 2 Fairmont that's at the very end uh has 2 structures and there are multi family dwellings I think it's over, over five units there. Um, and so, we are kind in keeping with what's on Fairmont Place, we're, we're looking, we're already a four family dwelling. We are looking to expand to a, um, uh, a five family dwelling. Just to go through the pictures that you have before ya. Here's the front so, you're on Fairmont Place and you're looking at the, the building. So, to the right from here is where Saint Josephs Church is.

To the left uh, the parking lot for St. Joseph's Church. I should say. To the left is Union Street. Here you're looking from Union Street. So, you can see that stairwell up which is right here on the site plan. Um, You're looking straight from there. This picture where are you're looking at the side and you can see kinda that yellow chute out there. You're looking from the parking lot for St. Joseph's, right there looking at the house. This is a shot of the back so, you're looking for, from basically where this fence is looking back at the house. Um, this is our, this is the only residential neighbor we abut. Um, the Guttman residence is right here, There's a stockade fence right here that's, that's currently existing. Um, and, and there really are only residential otherwise we have parking Lot St., Street um, surrounding us on three of the four sides. This is a, a shot of the, of the front lawn. Uh, and I'll, I'll kind of go through, I want to show this because it was discussed about when I met with, with zoning staff. We actually had a site inspection on the site and, and discussed this area. This shot right here is just of the back part, you want, there's a couple shots of uh, sorry the back the rear part of the, of the property, which is where we're going to be proposing a parking area. And this is just a shot of it the same thing from St. Joseph's Church. So, you can see where that parking area is going to be located. And the final picture is looking down Fairmount Place, um, if you look down there you can see the Multi families that, that are located on Fairmount Place. Um, so, again, the client bought the property, it was it was Church property, there wasn't much know about it there was a lot of history to it. Uh, if, if some of you are familiar with the church used to have their offices, but now it's been a, a 4-unit dwelling with this commercial kitchen for the Knights of Columbus, sold it to my client he um, uh there were there was fully rented all four units and the commercial kitchen use really doesn't make sense to continue there. Um, It's a nonconforming use. It doesn't fit the zone. Uh, and so, so, he really thought ya know, the best thing to do conforming with the building is switch it to another residential dwelling unit. Um, but the site also, needed a lot of improvements. Um, physically just on the outside but also, the fact, the situation is that there is currently no parking on site. So, it has four residential units, residential dwelling units. It has zero parking spaces. It has no parking for the commercial kitchen s it's extremely nonconforming in that area. So, he looked at the site and said all right, how can I improve, improve this? And he worked with Al Shepard in developing a site plan. The first version of the site plan put a parking lot up here in the front along Fairmount Place. Uh, and then had some additional parking back here. Um, and we met with, with staff with there was, there was uh, uh, uh, especially out on the site we kinda walked and talked about it. And this area here on, on the front is really kind of a nice greenscape area, um, it, it, it visually, it's appealing in front of this, this building So, we really kind of thought it was a shame to break that up. Um, staff felt that it was a nice transition from going back here onto Union Street. Um and so, they, they really wanted to try to preserve, or are they asked us to try and preserve this area. So, we were able to do that and Al Shepard kind of came up with a plan. I said to him, "can

you tuck spaces back here?" And so, uh, he was able to get ten spaces and the nice way about how he said it up one this means we only have one curb cut instead of having two curb cuts. We have one curb cut off of Union Street and the way he was able to set it up it works well for a five family dwelling because spaces eight and nine are stacked; seven and ten are stacked; five and six are side-by-side; and then four and two and three and one are also, stacked. So, for each unit you have two spaces. So, you have a stacked space for one unit and a stack space for another. And then, and then, in total four stacked pairs. So, one for each of those units and then a side-by-side. So, we can park the dwelling units and really reduce that nonconformity tremendously from 0 to 10. Uh, the only the remaining nonconformity would really just be for the visitors. And uh, and if you know this area well there's all lot of on street parking. It's a problem there it gets crowded uh, and a lot of it has to do with the fact that there's multi-families and a lot of them don't have sufficient parking including this one currently. It's extremely nonconforming So, this proposal to add all the spaces is just really a huge relief to the property, uh, in making sure at least the residents are appropriately parked. We just aren't able to provide for the, for the

CHAIRMAN E. CONKLIN: Do you really think residents are going to use stacked parking, knowing that?

ATTY. C. RUSSO: Well, I, yeah, I mean in, in other towns we, it, it's, it's certainly to one unit where old people are living in there, it's much easier to operate. And, and, and right now there's nothing. There is zero. So, I, a stacked parking situation, I think, particularly on this street because on-street parking is such a problem, I think that the residents would like to use these parking spaces rather than having to fight on the road for parking. They'll have these two spaces. They'll be reserved for their unit. Each one will have two reserved for the unit. And that's better say it will, they possibly also, use parking on the street. Yes it's possible. But this isn't

CHAIRMAN E. CONKLIN: Are there four tenants in that building right now?

ATTY. C. RUSSO: There's four, yes, four separate units that are, that are, that are rented.

CHAIRMAN E. CONKLIN: Two on the upper floors, or how, how's it

ATTY. C. RUSSO: There's one on the lower floor. There's two on the middle floor, second floor, and then one on the top floor. And so, if I just show you the floor plan, which you ma - probably have with you but I'll just

VICE-CHAIRMAN PHILLIP CAVALLARO: Going back to the parking, the previous owner owned the parking lot adjacent to that house.

ATTY. C. RUSSO: Yes.

VICE-CHAIRMAN P. CAVALLARO: So, those people parked in that lot. So, parking really wasn't an issue for that property. Now it's a different owner. So, it's a different story.

ATTY. C. RUSSO: Well, and, that's it, and, and, and now make the situation worse but you know he has the right to have uh, a, a four-unit dwelling and So, that's why I think this improvement will, will, will be tremendous for this site, to help alleviate the parking issue there. Um, and uh, because it is no longer in the, in the hands of the church. Just to show you the, the floor plans, to go through the floor plans with ya'; you have it in front of you. Okay. So, on the left you can see what's existing. This is where currently there is dwelling unit and then you see where there's uh, there's a space that's the door they're. This is where the commercial uh, the commercial kitchen was, where, where Knights of Columbus was using. Um, now on the right this is what we're proposing. So, there's um, there's two-bedroom unit if you come in off the vestibule. You, you go through this door. You have a two-bedroom unit kitchen, bath. Then, if you go where the vestibule and you just go straight up, this will be the second unit. Again, a two-bedroom unit - kitchen, bath, living room. There's also an existing screened porch that they'll be able to use. So, this really up here is, is the, is, is the extra dwell - residential, dwelling unit. Um that we're proposing. Uh, Dan does uh, he, he managed a number of properties. He's invested in the city of Shelton. He's, he's also, bought another property in Shelton that he's renovating. Uh, he's, he's doing in Trumbull as well. Uh, he's local um, he, he does a lot of great work. I have I have pictures of his work.

CHAIRMAN E. CONKLIN: Is this Fairmont Place here?

ATTY. C. RUSSO: Sorry, so yes. Right. Exactly.

CHAIRMAN E. CONKLIN: This is Fairmont. This is Union Street.

ATTY. C. RUSSO: Correct. Correct. So, you come in -

CHAIRMAN E. CONKLIN: So, you have an entryway here and now you're showing absolutely no egress.

ATTY. C. RUSSO: So, here is the, here's the entryway right here. And then there's another separate egress out here on the first floor. There's a, there's another separate egress that would be for, right here

CHAIRMAN E. CONKLIN: in looking at this now you got a wall here. You got to walk around to the side yard to get to this egress.

ATTY. C. RUSSO: No, that's not, there, right, you can see right here, there's an entrance right here. You go up the porch and you go in the front. And if you look at the picture you can see it.

CHAIRMAN E. CONKLIN: I know I see it. I'm trying to layout this drawing to match that. That's why I'm asking.

ATTY. C. RUSSO: I think maybe he didn't put a door right here where it should be. There should be a door right there. *(Muffled voices)* This should be existing entry. So, it just has a flat wall here. It should there should be a door right there.

CHAIRMAN E. CONKLIN: It's not right in this drawing. That's why I was looking at this drawing, it's absolutely wrong.

ATTY. C. RUSSO: Yeah, right. Right. No, I, you're, you're correct Chairman, is, is, that, the

VICE-CHAIRMAN P. CAVALLARO: Have a door here and a door here.

CHAIRMAN E. CONKLIN: Yeah, but he's parking back here. I have no walkway or egress to this door here at all.

DAN RICCIO: Hold on a second.

CHAIRMAN E. CONKLIN: He's showing the porch here

ATTY. C. RUSSO: That, that's where the porch is. So, so, if you were gonna go in that that unit from there, you, you park here. Here's the walkway

(Multiple voices; unclear)

CHAIRMAN E. CONKLIN: I, I understand that. This is what you supplied for us to go by.

ATTY. C. RUSSO: So, jus, let me, I just want to make sure that I'm on the same page, too. So, you're talking about this first apartment here right?

CHAIRMAN E. CONKLIN: Well, I'm looking at that drawing and how the parking is laid out and the sidewalks are laid out for egress to the doors.

ATTY. C. RUSSO: Okay.

CHAIRMAN E. CONKLIN: Okay, you're showing a porch in front this drawing shows no porch in front. It shows the egress from your, what would be on the right hand side of that drawing.

ATTY. C. RUSSO: I, I think, I think, when, the, when the person who did the floor plan did the floor plan, was focusing on the area that

(Multiple voices; unclear)

D. RICCIO: So, there should, there should be a door .

ATTY. C. RUSSO: There should be

D. RICCIO: Here.

ATTY. C. RUSSO: their door

(Multiple voices; unclear)

D. RICCIO: Right, yeah. So, that is, that's, that's a mistake on the plans. The door should be there so that's your, that's, that front entryway right there.

ATTY. C. RUSSO: Right.

CHAIRMAN E. CONKLIN: So, on the existing entry there's supposed to be a closed in wall here. This should have a door

ATTY. C. RUSSO: Correct.

(Multiple voices; unclear)

ATTY. C. RUSSO: It, it, it's there.

D. RICCIO: It's there. It's there right now.

ATTY. C. RUSSO: Correct. Yeah, and there's the stairwell to the upper floors is in the existing entryway.

D. RICCIO: On the right hand side.

ATTY. C. RUSSO: Correct.

CHAIRMAN E. CONKLIN: Well, that's what I'm trying to say. You supplied a floor plan that doesn't match your

ATTY. C. RUSSO: Yeah, it's miss -

CHAIRMAN E. CONKLIN: The plot layout.

ATTY. C. RUSSO: You're right, Chairman. It is missing that, that, uh, uh, that doorway right there. Just the, the, so, so, for this unit facing Fairmont Place you can come in the porch here and then you can also come in there, this little side area here. So, there is, there's your ingress egress. Um, and then in the back there's also, a, um, a screened porch that you can exit on which you see on the plan up here, on the floor plan up here. You can see existing screened porch. You can also, see it in the pictures, the picture of the rear of the property. That that's another means of egress out of that um, other residential unit. Also, the benefit that um, Mr. Riccio is a former landscape architect. He has um, he is planning to upgrade the landscaping along the side and the front. Uh, planting a maple down here. We are trying to preserve because just the feedback we got from staff trying to preserve that lawn in front. So, really a, a, a large chunk of it is going to be preserved and then having the parking area back here. There's an existing uh, stockade fence that you can see in the pictures that screens the Gutman residence to the north. And then otherwise parking street, street. Um, and um, we certainly welcome any feedback on that, but, but, and luckily he has a background in this. Uh, but try to appropriately screen it and make it a,

make it a, a very attractive uh, corner, right before the church uh, and the properties over on Fairmont Place and on Union Street. Overall, we think it's a tremendous improvement over the existing conditions um, site, for the purposes of this Board the ability to eliminate a non-conforming use uh, and replace it with a conforming use um, always the goal to try to eliminate uh, uh, non-conforming uses. Uh, we could do that but then also, alleviate the massive parking deficiency that exists on the site, being able to park all the units um, but uh, it is simply not being able to park the visitors.

COMMISSIONER JAMIE JONES: So, where did the people use to park before?

ATTY. C. RUSSO: So, so, me, would park on um, uh, in the, in this parking lot. But they would also, park along Fairmont and Union. And if you go, if you look at some of the pictures you could see the cars, along the sides uh, a couple of those were tenants. And uh, so, um, and, and that's what you see a lot when you're down here especially when church is in session. They, there's, there's a ton of cars down there. Um, and a lot of the multi-families that are down on Fairmont Place, they don't have sufficient parking. So, there's, there's a lot of cars on the street in that area. And, and, and right now, this, this, this property's a contributor.

COMMISSIONER BRYAN VASSER: Why are you adding a fifth family to this house?

ATTY. C. RUSSO: Well, cause we ha - we have a, in, in, in the fifth unit. We have a nonconforming commercial kitchen. It's not really compatible use with what's there now. The, the four residential dwellings, um, so, um, replacing it with another dwelling unit that's conforming to the zone, it's a use that's conforming to zone multifamilies, conforming to the R-4 zone. Uh, that, that seems to be appropriate to try to eliminate the nonconformity. Um, and uh, and then also significantly decrease the parking.

COMM. COMM. B. VASSER: But aren't we adding another nonconformity by reducing the amount of

ATTY. C. RUSSO: Well, you're, you're, you're eliminating a non-conforming use. You're make, but there's a, there's a variance to the lot area per dwelling unit requirement, um, and then also, the stacked parking. And really I think that, that, that, that the chief, one of the chief goals of ZBA is trying to eliminate nonconforming uses. And so, it's, it's a, multifamily is a conforming use. The variance we are asking for is for lot area per dwelling unit. And uh, I know I actually I, I, I just did one similar in Fairfield, and where the, the ZBA um, granted a variance to be able to

eliminate a nonconforming use...which is a pre-existing nonconforming use. Uh, you could continue to run it, to operate that nonconforming use um, but ya know, it just doesn't fit with what the property is. So, this would allow us the ability to um, to eliminate

COMM. B. VASSER: Why can't you eliminate the nonconforming use and keep it a four-family?

ATTY. C. RUSSO: Well, then you just run into, this unit is already established. And then you just have a space that's um, you could expand out but then doing all these improvements, it doesn't, ya know, he already can have a four-family use. Now, he's talking about doing significant improvements here - adding all this parking, landscaping, drainage systems - it's a lot of work to do to this property and improve it, um, for just being able to use what he currently is able to, to use. Um, so, uh, I, I think this, this proposal to improve it and eliminate the nonconformity use and just for a, a, a fifth residential dwelling unit which fits the dwelling, uh makes a lot of sense.

COMM. J. JONES: Did you ever approach the church about using the parking spaces that were used in the past?

ATTY. C. RUSSO: The problem with that is to, in, in order to ensure that our right is protected we have to encumber the property. And, in encumber St. Joe's property, they would have to give us a easement in perpetuity to use their parking and uh, I actually, one of my clients is in the diocese and I, I, and I just know from dealing with them, there's a lot of uncertainty about what for a lot of their properties, what holds, what are they going to do. And I, and, and I know on other properties I've dealt with, with them, encumbering a property like that, I mean they could if, if, if they gave us an easement for the parking spaces they couldn't take it away from us. So, it, it would, it would hinder their development for their building to sell it in the future.

VICE-CHAIRMAN P. CAVALLARO: Doesn't that non-conforming use of that kitchen cease because the ownership changed?

ATTY. C. RUSSO: It does, uh, it does not. Uh, it, it, you have to do something purposeful to abandon a use. Uh, even, uh, actually that same Fairfield case that dealt with a nonconforming use, they, the, uh, the owner of the properties switched hands. And the owner had a tough time finding a tenant to use the nonconforming commercial use. And it was vacant for years and years and years. But case law says if, if you're, you have to physically abandon it for the use to be considered abandoned. You don't really, you don't have to, and cease, to try to rent it or anything.

If you try and you can't find tenants and it's, it's vacant for five years, it's still not abandoned. So, um, he is hoping that he can't get an approval and, and get rid of it and abandon it. But I think um, ya know, without that he has a nonconforming use and he would, he would try to see if he could market it. But it really doesn't fit with what he's trying to do, uh, at the property.

COMMISSIONER JAMES ORAZIETTI: What did the, what did the neighbors say on the other side (*Inaudible*), what did they say about it?

ATTY. C. RUSSO: We, we tried a couple of times to reach them. They're actually members of the church.

COMM. J. ORAZIETTI: Yeah I'm a member too.

ATTY. C. RUSSO: Uh, and, and my and my paralegal's a member of the church. And she tried to go over there. She knows them. Uh, um, just through meeting at the church and so, we haven't been able, we sent them notice, um, she went there actually yesterday again. I know, I know Dan's tried to reach out to them um, but I haven't been able to, to make contact with them.

COMM. J. ORAZIETTI: And, and between the parking, St. Joseph's parking lot and the uh, let's see, that would be the, what is that uh, northwestern side of the lot?

ATTY. C. RUSSO: The, the, their parking lot is on the western side. Right. Correct.

COMM. J. ORAZIETTI: So, you - are you going to put a fence up? What are you going to have?

ATTY. C. RUSSO: That's certainly an option. We could put, we could put some type of fence up. It was because, it's just a park, a parking lot - and the church hasn't said anything about it.

COMM. J. ORAZIETTI: There always was a fence there. Always.

ATTY. C. RUSSO: Oh, really?

COMM. J. ORAZIETTI: I went to school there. I remember the church had a

ATTY. C. RUSSO: Well, I think we would certainly be open to it. They hadn't asked for it but that's

CHAIRMAN E. CONKLIN: Right now, there's actually a physical sidewalk that leads out to the parking.

ATTY. C. RUSSO: Correct. And we're proposing to eliminate that. Yeah, to just add more green space.

COMM. J. ORAZIETTI: I'm just, you're, you're going to jam all those cars onto that lot. I know what you're trying to do. You know?

CHAIRMAN E. CONKLIN: I think his concern is the same as mine. You're not going to get anybody to stack park. You're not going to do it. Tenants will not stack park because of the person who gets home earlier, the first, they're going to be the first to leave, which means the person stacked on the outside has got to get up, move their car for a second family member.

ATTY. C. RUSSO: Well, we know there's, we found that if you have it designated to a unit, it's certainly better than if it's just a free for all. And, it just you park wherever. But if you have, if you say okay, unit one you have spaces eight and nine; then ya know that's two spaces for a residential dwelling unit. And again, this, this has four dwelling units on it. It has zero parking. So, just by adding in some parking we're, we're, we're reducing the nonconformity. And if you look at this, we have one, two, three, four, five, six -

COMM. J. ORAZIETTI: I'm gonna just stop you right there cause you keep on saying, you're starting to irritate me. You keep on saying that there's, there's no parking. The previous owner owned the parking lot next door. So, there was always parking in the parking lot next door, okay? So, let's, let's draw the line there. There was always parking for that building next door in the parking lot.

ATTY. C. RUSSO: And, and, and I understand that. Um, I understand that. I understand that. But I guess what I'm saying is that they're

COMM. J. ORAZIETTI: Yeah, you're saying -

ATTY. C. RUSSO: Tomorrow St. Joseph Church could sell the parking lot.

COMM. J. ORAZIETTI: That's true.

ATTY. C. RUSSO: And they could say, ya know, this person could come in and say, yeah, you're not using that at all. And that, and that, and that's the problem we face.

COMM. J. ORAZIETTI: Well, I'm asking you to use the lot. You bought; you bought a non-conforming piece of property. All right. Your words not mine. Four-family in there. You keep mentioning non-conforming with the kitchen. Okay. But the parking right now is on Union Street and Fairmont Place. I know the neighborhood very, very well, okay, the previous owners, and they still park in the church parking lot by the way. Okay. So, when they come home and there's not a parking space in front they're going to park in St. Joe's parking lot. And the church never says anything.

ATTY. C. RUSSO: The, the, the, the question

(Multiple voices; unclear)

COMM. J. ORAZIETTI: You're looking for another unit we have to decide on whether you're stacked parking fits the neighborhood number one, and number two whether it sufficient enough.

ATTY. C. RUSSO: Well, the, again, there's, there's no parking there now. And, and, and, and there's nothing that, that we have a site that

COMM. J. ORAZIETTI: You're going to pave that whole backside of that lot. You're going to pave that.

ATTY. C. RUSSO: Which I think is the best area. And that's why we could put an additional space up here. We're, we're below the impervious coverage limit. Um, we're below building coverage. We're not proposing to change the building at all. So, that's where you know, we worked with Al Shepard and said, "Can you tuck this in here." And he could, he could propose a parking lot and he could just add one, two, three, four, five, six, six spaces, still six spaces is better than having, than having, than having nothing. And I understand, in reality you could still park Fairmont Place; you could still park Union Street. You could still possibly park here in, in St. Joe's parking lot. But for this site there is nothing guaranteeing that. And there's just say now, just a four-family dwelling that has no parking. It, it, it, it, in, there is nothing approved for it for parking. If somebody comes here, develops this piece of property, this property's out of luck. They got to park wall along the street, no parking spaces at all.

COMM. J. ORAZIETTI: There's no parking -

ATTY. C. RUSSO: And that's a problem on Fairmont Place.

COMM. J. ORAZIETTI: No parking for that building with the new owner. The previous owner had parking. Okay. So, let's be fair about it.

ATTY. C. RUSSO: Yeah, no that's true but that's the situation kinda were in, that they don't own it anymore! There's no, there's no parking. And, and, and he's not the church and he has no right to this property, he has no easement or anything to this property. And, and also, as you come down Fairmont Place, it's a problem down on Fairmont Place. There's a lot of multifamilies down there and they, they don't have any parking. It adds to it, it adds to the problem that exists on that street. So, we're looking to propose an improvement to the property. We would love to just be able to do, ya know, ten non-stacked Spaces but we're, we're limited here. This is, ya know, this is the best we can do to try to improve what's a drastic nonconformity. We're also, eliminating, eliminating the nonconforming use.

COMM. J. ORAZIETTI: I've never seen it being used. I'm 62 years old. I'm a member of the church since I was like two.

ATTY. C. RUSSO: The, the, the staff has indicated to, to us that, that it was used by the Knights of Columbus.

COMM. J. ORAZIETTI: Hardly.

ATTY. C. RUSSO: And its an existing nonconforming use and, and it could continue.

COMM. J. ORAZIETTI: That's right.

(Voices talking over each other; unclear)

ATTY. C. RUSSO: There's a strip here. There's a small strip here. We were actually talking about this again today. Next to spaces one to three there is a small strip right here and um, we can't push over the spaces there's an existing stairwell that goes up to the upper units right here. So, we can't push the spaces over, but um, in talking to Dan, he thinks he can get all planting in

here along this strip to help try to screen this parking area. Um, so, if, if, if the board was so inclined we could we could add that as a condition of approval, to landscape that strip to try to help screen this parking area.

CHAIRMAN E. CONKLIN: What's the extent of improvements you're doing to the rest of the building right now?

D. RICCIO: Um, so, as of right now, when I got the building all four units were rented. One person moved out on the third floor So, I'm in the process of renovating that apartment.

ATTY. C. RUSSO: That's why you see the yellow chute.

D. RICCIO: Yeah. And then um, the, one of the second floor units, one of those tenants is moving out at the, at the end of this month. And I'll be renovating that as well. And when we renovate we try to do a nice job, granite countertops and you know, and make it a higher end place, make it a nice place to live.

ATTY. C. RUSSO: If you want to look at some of *(Multiple voices; unclear)*

COMM. B. VASSER: Anything on the outside of the building or is that staying the same?

(Voices talking over each other)

CHAIRMAN E. CONKLIN: We have to keep that.

D. RICCIO: Well there's, we're doing parking improvements, and the landscaping. *(Multiple voices, unclear)*. It's aluminum siding so, we'll probably power wash it or ya know, paint it but there's also some rot in some areas. So, we're going to take care of that.

COMM. B. VASSER: So, it's going to be painted?

D. RICCIO: Uh, *(Multiple voices; unclear)* It's aluminum siding.

CLERK T. KELLY Wait a minute. There's two conversations.

D. RICCIO: There are areas that are not aluminum siding that need to be painted.

COMM. B. VASSER: So, your aluminum siding is not going to be painted. It's just going to stay the way it is?

D. RICCIO: Um, I mean, it's something we could look into. I was gonna, probably hope to replace the siding at some point, but it's kind of a large expense like at this current moment, but definitely something that I would do.

COMM. B. VASSER: What about screening back here? Some kind of large or tall tree like arborvitae or something like that?

ATTY. C. RUSSO: Yeah, we, we

COMM. B. VASSER: On the side here.

ATTY. C. RUSSO: Yeah, we, we had discussed that as well. Um, it was something we were hoping to talk to the Gutmans about to see what type of screen they would want. But there's definitely enough room there where we could add some type of landscape buffer there, um, like an arborvitae, something that would grow above the fence.

D. RICCIO: Yeah. If that's something that, ya know, was, you know that the neighbors wanted, it's something that I would definitely look into. There is also, there already is the six-foot fence there, but you could, for additional screening.

ATTY. C. RUSSO: Yeah, arborvitae.

D. RICCIO: Yeah.

VICE-CHAIRMAN P. CAVALLARO: I think the, the plus to this is the fact that the house does not have existing off-street parking. He's not really required to have off-street parking because it doesn't exist. So, the give back is that he's achieving off-street parking for the existing plus the new apartment.

COMM. B. VASSER: I get it.

VICE-CHAIRMAN P. CAVALLARO: So, there is, there is a plus side to the project. Um, ya know, I have doubts to whether the pre-existing, non-conforming kitchen could ever get an approval to be used because you'd still have to go through zoning for that to be used. And he wouldn't be able to show the parking for that. So, you know, I don't know. Stacked parking could work in the fact that it's a husband and wife, there's two cars per apartment, who goes to work first. You know, it's a nightmare, but that's something they choose when they rent the apartment. But the fact that it's provided for

ATTY. C. RUSSO: And that's what we're trying to provide, the option there. I mean we could obviously just propose the six here. And, but, that doesn't get us as close to reducing the non-conformity. So, we trying to add this option here that you would have stacked parking spaces get us closer to making this conforming as to parking on that site.

CHAIRMAN E. CONKLIN: It doesn't make it conforming because you're applying for a variance for it. So, it doesn't make it conforming.

ATTY. C. RUSSO: As far as parking it would. It reduces the non-conforming, non-conformity as to parking. Plus the fact, we have the full residential dwelling units but we also, have the commercial kitchen use. So, there's a parking for that as well. We're eliminating that part of the non-conformity by removing that. So, so, really, we're, we're eliminating that additional non-conforming

CHAIRMAN E. CONKLIN: Really this wasn't non-conforming with the parking before because it had parking.

VICE-CHAIRMAN P. CAVALLARO: Right.

CHAIRMAN E. CONKLIN: It had all the parking it needed. So, it was conforming to the parking before. Even though it was

ATTY. C. RUSSO: Not under the regulations, though.

CHAIRMAN E. CONKLIN: Well, it was a joint owner.

ATTY. C. RUSSO: It was a joint owner but it was a separate property. There was no easements between them. They're separate properties.

VICE-CHAIRMAN P. CAVALLARO: But still,

ATTY. C. RUSSO: We didn't have to subdivide this property. It was it was already separated. So, So, this prop - if you look at this property as just 30 Fairmont Place, it, it, it had no right to any parking.

CHAIRMAN E. CONKLIN: Well, it was an agreement between the previous tenant, uh, the previous owner and the church to allow parking there. So, there was conformity of having parking. There was an agreement.

VICE-CHAIRMAN P. CAVALLARO: It still goes back to that non-conforming kitchen which is not currently being used. So, for anybody that occupies it they have to get a zoning certificate.

CHAIRMAN E. CONKLIN: They'd get one

ATTY. C. RUSSO: They'd, they would get one though. *(Multiple voices; unclear)* It would be just like if it would be just if you had, if you switched tenants. It would be like if you would, switched tenants. You know, if you had a non-conforming use in a building and you switched tenants, there would be a period where there weren't anybody occupying it but you would still be able to come

CHAIRMAN E. CONKLIN: Right.

ATTY. C. RUSSO: And get, and get, and get a, uh, permit for it.

COMM. J. ORAZIETTI: Just to, so directly above the screened porch and the bedroom (papers rustling). Second floor, I don't have a second floor plan,

ATTY. C. RUSSO: Yeah, I don't think we have a second floor, but I focused on the first floor just because

COMM. J. ORAZIETTI: I don't see, uh, see, so I'm saying you're adding -this is going to be a two-bedroom unit?

ATTY. C. RUSSO: Correct.

Quiet voice; inaudible)

ATTY. C. RUSSO: Right. So, this is, this right now is the commercial kitchen.

COMM. J. ORAZIETTI: This is a two bedroom.

ATTY. C. RUSSO: Correct.

COMM. J. ORAZIETTI: First floor.

ATTY. C. RUSSO: Um-hmm.

COMM. J. ORAZIETTI: Two, two-bedrooms on the first floor.

ATTY. C. RUSSO: So, two, two, be two two-bedrooms. This is actually part of (*inaudible*). So, we're switching it to, two, two bedrooms. Cause the door for the commercial kitchen is right here.

COMM. J. ORAZIETTI: Yeah, so the first, this is a three bedroom. You're making it a two and a two.

ATTY. C. RUSSO: Two.

COMM. J. ORAZIETTI: And then the second floor you're gonna have

ATTY. C. RUSSO: What's existing there now which is

COMM. J. ORAZIETTI: How many bedrooms?

D. RICCIO: One and one.

COMM. J. ORAZIETTI: One and one. And the third floor?

ATTY. C. RUSSO: As of right now, it is a two. It is a three.

COMM. J. ORAZIETTI: Three-bedroom.

ATTY. C. RUSSO: Yes.

(Quiet voices talking over each other)

ATTY. C. RUSSO: And Chairman, that's another kind of good that, I think goes good uh, with, speaks to your point about the stacked parking. The, the second floor units are only one bedrooms. They're not two bedrooms.

CHAIRMAN E. CONKLIN: Okay.

(Multiple voices; unclear)

ATTY. C. RUSSO: So, it's a little less demand on the uh, so, you know what we could do, is we could designate, we could designate the one unit's, the single unit, I mean the single-bedroom units would be for eight and nine and seven/ten, those are stacked spaces. Whereas the two-bedroom one we could, we could do at least one of them for five and six and make sure that, so that would be side by side. One bedroom would have the, it would be entitled to the stacked spaces here. So, I think that that helps ameliorate the, the stacked parking issue.

D. RICCIO: Also, just to mention, so, there's, there would be a total of nine bedrooms and ten parking spots if you look at it that way.

CHAIRMAN E. CONKLIN: Okay. I'm not sure how the rest of the Board – I want, I really want to go out and take a look at this property. It's been a while

COMM. J. ORAZIETTI: Huh? You never been there?

CHAIRMAN E. CONKLIN: What's that?

COMM. J. ORAZIETTI: You never been there?

CHAIRMAN E. CONKLIN: Well, I've been there. I know where it is but I haven't been there in a couple of years driving up in that area. I want to look and see exactly how much physical space there is. Did he try angled parking at all? In that, did he try a drawing with angled parking? Across the back fence?

D. RICCIO: So, so, our first, the, you know, design was parking here that was, ya know, some parking here, some parking here but it was angled parking.

CHAIRMAN E. CONKLIN: No, across the back.

COMM. B. VASSER: Did you have, did you have it angled back here?

D. RICCIO: Um,

CHAIRMAN E. CONKLIN: Across the back fence here? Angled parking across the back fence?

ATTY. C. RUSSO: I think he had a problem with the, with the backing up, right?

D. RICCIO: Yeah, I believe we had problems with either backing up or the driveway, yeah, driveway

(Multiple voices; undistinguishable)

CHAIRMAN E. CONKLIN: It would have to be a sharper angle than a standard, you know, fifteen or seventeen degree.

D. RICCIO: Yeah.

CHAIRMAN E. CONKLIN: Yeah.

D. RICCIO: I know we did. I know we did.

COMM. B. VASSER: They'd have to back out

D. RICCIO: We did try that.

ATTY. C. RUSSO: Yeah, that's the problem. That's the problem I think Al had when he was designing it.

COMM. B. VASSER: You'd have to back out all the way to the

ATTY. C. RUSSO: You could extend all the way over here and do angled, but

CHAIRMAN E. CONKLIN: Yeah.

ATTY. C. RUSSO: This is tight here. This twelve, thirty feet right here. Got a nine by twenty space that only puts, put, puts ten, uh, I, I, I guess you'd have to play the angle but the uh, um, you know, really only ten feet there.

CHAIRMAN E. CONKLIN: Okay. All right. Okay.

ATTY. C. RUSSO: And I understand what you're saying in the history of it, it's, it's just now, right now if you looked at this property and you just were looking at 30 Fairmont Place, it has, it

has no right to parking. And St. Joe's could go and sell this and then it has no right to parking, just on Union Street and Fairmont Place with zero spots to support anything, any use that's on there.

COMM. J. ORAZIETTI: There is a couple of houses in that neighborhood on Union Street that are all single-family.

ATTY. C. RUSSO: Yes.

COMM. J. ORAZIETTI: Okay. So, my concern is for them. I, I know what you're saying at the end of the street.

ATTY. C. RUSSO: Yeah.

COMM. J. ORAZIETTI: I grew up there. I know exactly what's going on there. I know what's going on with the church. I know what's going on with, ya know, I get it. But I'm having a little, tough time swallowing the, the paved parking next to a really nice looking house.

ATTY. C. RUSSO: And that's why

COMM. J. ORAZIETTI: The parking lot. I'm, I'm just telling you that right now. We're gonna talk about it. But, you know, I'm trying to think, geez, ya know, it's really a good thing that you're doing, you know, you're trying to get the parking off the street. Totally understand that, I get it.

ATTY. C. RUSSO: And, and, and, and, I, I totally get that, that's why, that's why in the beginning the first version put the parking up here. Because the thought was, here's the parking lot; here's the multifamilies. The house would be able to screen the parking in this area. And so, that's why our original plan had more parking up here and there wasn't a lot of parking back here. But when we met out there at the site there, the, the opinion or the kind of consensus that we were getting is preserving this.

(Multiple voices; unclear)

ATTY. C. RUSSO: So, the green, so, it would be much more visibly appealing as you enter Union Street. And the question is, could you hide this parking? Could you try to tuck in this parking back here?

COMM. J. ORAZIETTI: Let me ask you, is there any way of going around the building, like

ATTY. C. RUSSO: And putting some here?

COMM. J. ORAZIETTI: Yeah, ya know, I'm talking about so, you don't have so much paving on that one side. So, that you went from over there, right?

ATTY. C. RUSSO: From over here?

COMM. J. ORAZIETTI: Right. Go straight down and then go around. And if you went, you know, straight out to Fairmont, I know you'd have to

ATTY. C. RUSSO: Like park, parking right over here on this side.

COMM. J. ORAZIETTI: Well, you'd have to have an exit, too. You'd have to have an exit on Fairmont. I'm, I'm just, I'm really having a tough time looking, visualizing those spots up against a single-family house.

ATTY. C. RUSSO: It, it, it, it

COMM. J. ORAZIETTI: And across the street is a single-family house.

ATTY. C. RUSSO: If it would help, could, if we could continue the hearing and leave it open, maybe I can go to uh, I can discuss this with Al Shepard, and see if there's a way - what, what you're trying to do is break up this area right here.

COMM. J. ORAZIETTI: Well, you know, if I'm living across the street in a single-family house I don't want to be looking at a ten-car parking lot.

ATTY. C. RUSSO: Right. Right. And that's why we were talking about putting screening from here to here and adding, so, me screening here. But maybe we could talk to Al, and see if there's a way. Maybe we could get a more substantial buffer here so it looks like just a driveway right here and see if he can relocate some spaces.

CHAIRMAN E. CONKLIN: On top of that, these drawings aren't matching at all - I'm looking at. I don't know who did these drawings for you. Cause you got a screen porch that sticking out over here somewhere like this. In fact it's showing

ATTY. C. RUSSO: That's, that's, this. Yes. That's, you're looking at it from this way. Right.

CHAIRMAN E. CONKLIN: Right. I'm looking at the screened porch that's sticking out here. So, are you rebuilding the screened porch?

D. RICCIO: No.

ATTY. C. RUSSO: No.

CHAIRMAN E. CONKLIN: So, I'm looking at this drawing and trying to figure things out according to that, things aren't matching. Is there any reason why you're keeping that screened porch? Why that area can't be used for parking? I mean it's not the best looking screened porch to start with. Eliminate

ATTY. C. RUSSO: Well, that, Chairman that's a good idea. I think we can look at; we can certainly look at and have Al, and have, have Al Shepard look at it to see

CHAIRMAN E. CONKLIN: I don't have a drawing that actually matches what you really have here.

D. RICCIO: We could look, we could definitely

CLERK T. KELLY Mr. Chairman, I have to change the tape.

CHAIRMAN E. CONKLIN: Okay.

CLERK T. KELLY Okay.

D. RICCIO: So, I could understand what you're saying about the about the ya know, a lot of cars in the parking lot. But also, just think, too, right now like with the, those cars are probably in the

street now. So, one way or the other you're looking at them but now it's going to be landscaped. It gonna be new asphalt. Ya know, It's gonna be nice looking. But I get what your saying.

COMM. J. ORAZIETTI: And I'll tell you, I would like to hear from, the input from the Crawfords that own that nice house. You know, they're the ones, St. Joseph's Church

ATTY. C. RUSSO: The Gutmans or the

COMM. J. ORAZIETTI: I mean, I'm sorry.

ATTY. C. RUSSO: The Gutt - Right here? The neighbors here?

COMM. J. ORAZIETTI: Yeah. St. Joseph's parking lot, you know, eventually with the church issues right now,

ATTY. C. RUSSO: Yeah.

COMM. J. ORAZIETTI: What's going on? We don't know what's going on with that. But the park - right now the parking lot doesn't care what it's looking at. You follow me?

ATTY. C. RUSSO: No, I understand completely what you're saying.

COMM. J. ORAZIETTI: But they have to, they're living there and they've lived there a long time. The people across the street have lived there a long time. And as for, you know, I'm having a tough time visualizing ten cars – I'm not so sure I wouldn't rather see them parked out in the street.

ATTY. C. RUSSO: For four residential dwelling units and a

COMM. J. ORAZIETTI: I know the neighborhood and I'm telling you I do know the neighborhood.

ATTY. C. RUSSO: Oh yeah.

COMM. J. ORAZIETTI: But, but to me I'm, I'm looking, you know these cars aren't there all the time. So, when I'm home, I get up in the morning, and you know, all the cars are off the street basically you know from nine to five. They're gone. Everybody's gone. They're off to work. I still have to look at your new parking lot.

(Multiple voices; Indistinguishable)

ATTY. C. RUSSO: And that's why

COMM. J. ORAZIETTI: You follow me?

ATTY. C. RUSSO: Absolutely. I understand. So, that's why, that's why

COMM. J. ORAZIETTI: I'm just having a if – I put myself in the place of "I live there."

ATTY. C. RUSSO: Absolutely. So, so, Chairman, just to summarize. If, if we could possibly continue this, if we request a continuance for this hearing to give us time to talk with Al Shepard to see if he can reconfigure this parking to try to break up this area, see if we can get more of a landscape buffer here, and then also, give us an opportunity to speak with the Crawfords and the Gutmans to see if there's – cause we do have a pretty sizable landscape buffer here. I don't know

CHAIRMAN E. CONKLIN: For this screened porch, I mean it's not anything, I mean it's – like I said, this drawing, if you compare drawings, they're not matching. This, this is a big area here that would fit looks like about three spaces there.

ATTY. C. RUSSO: Okay. Okay, yeah, this

CHAIRMAN E. CONKLIN: It's not livable space. It's not a space that's required for inhabitable area.

VICE-CHAIRMAN P. CAVALLARO: I don't know how you're going to get to them.

ATTY. C. RUSSO: And that's what, he'll have to check the widths on everything and make sure that we have enough to

VICE-CHAIRMAN P. CAVALLARO: You're not eliminating Jim's concern here. All you've done is moving east.

CHAIRMAN E. CONKLIN: I'm looking for other options, too. I understand that.

ATTY. C. RUSSO: Well the quest - well the

COMM. J. JONES: Ask the church if you can buy the front of the parking lot.

ATTY. C. RUSSO: Well the question,

COMM. J. JONES: Seriously, why not? You have a paved spot right there and they're not using it.

ATTY. C. RUSSO: The question would be the access and who would own it cause you would need the access and you'd need it, but, but, but, but, yeah, I don't know if they're open to splitting it like that, if they'd rather keep it as one unit. I mean, that's, cause they didn't offer when he bought it.

COMM. J. JONES: If no one parked there. People park there probably the ones who actually work on the property. A van, a contractor van, they're parking there right now.

CHAIRMAN E. CONKLIN: Okay.

ATTY. C. RUSSO: We'll, we'll take all this in and thank you for the feedback. And we'll take and we'll try to see what we can do here but then also, talk to the Gutmans and the, and the Crawford.

COMM. J. ORAZIETTI: Maybe you can take off that back, screened porch. I don't know.

ATTY. C. RUSSO: Yeah, okay. Absolutely.

CHAIRMAN E. CONKLIN: Okay. Um, yeah. All right. So, we'll keep it open but let's move on and see if anybody in the audience in favor of this application? Anybody in the audience in favor of this application? Anybody in the audience opposed to this application? Okay. Just checking. All right. So, we'll continue this next, next month.

ATTY. C. RUSSO: Thank you, Chair. Thank you, everybody. Appreciate the feedback. Thank you.

D. RICCIO: Thank you.

COMM. J. ORAZIETTI: I know what you're trying to do. I get it.

ATTY. C. RUSSO: I understand. We'll, we'll, we'll do some more, we'll do some more work on it. Absolutely. Thank you. We appreciate it.

COMM. J. ORAZIETTI: That's my old playground.

(Multiple voices and papers rustling; unclear)

CHAIRMAN E. CONKLIN: That's got to stay. Thank you.

CLERK T. KELLY: Do we need his set of plans?

CHAIRMAN E. CONKLIN: No, we have a copy of that.

CLERK T. KELLY: Okay.

CHAIRMAN E. CONKLIN: All right. Let's clean up this mess here before we - are the same pictures? Let's take that. Set it with this.

VICE-CHAIRMAN P. CAVALLARO: One of these a complete set?

CHAIRMAN E. CONKLIN: Yes, yeah, he's got a whole set here. So, we'll keep that together.

COMM. J. ORAZIETTI: You want all this stuff back here?

CHAIRMAN E. CONKLIN: Um, actually you could fold that up and keep that as another group.

COMM. J. ORAZIETTI: For next month?

CLERK T. KELLY: I'll sort through it.

CHAIRMAN E. CONKLIN: Yeah. Yeah. Here.

CLERK T. KELLY: Okay.

CHAIRMAN E. CONKLIN: Send this one down. Okay.

- - -
HEARING CONTINUED TO OCTOBER MEETING
- - -

COMM. J. JONES:

#0918-02 15 Robert Frost Drive, Douglas Schneider of 15 Robert Frost Drive, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side from 30 ft. to 7 ft. in order to build an attached deck measuring 4' x 15' and an above ground pool measuring 15' x 30' in an R-1 zone.

CHAIRMAN E. CONKLIN: Is the applicant here? Okay. Come up to the table please?

(Plans folding, rustling; inaudible)

UNKNOWN VOICE #1: That's what I have here.

UNKNOWN VOICE #2: I was gonna make just a little pool and deck. Just a little pool. So, I don't know why it's so large.

UNKNOWN VOICE #1: Yeah, I'm not sure why.

UNKNOWN VOICE #2: It's just like a little, just like a little landing, I was looking at.

CHAIRMAN E. CONKLIN: All right. Before you before you get going. Name and address for the record, please.

DOUG SCHNEIDER: Doug Schneider, 15 Robert Frost Drive.

CHAIRMAN E. CONKLIN: Okay. Do you have pictures and uh?

D. SCHNEIDER: Yes I do. Here's the receipts.

CHAIRMAN E. CONKLIN: All right. Have a seat. Have a seat. Relax.

D. SCHNEIDER: Okay. I've been sitting for a long time.

CHAIRMAN E. CONKLIN: All right. We're just going to slow things down for a second. One of the members wasn't feeling well.

D. SCHNEIDER: Okay.

CHAIRMAN E. CONKLIN: He took a step out for a second.

(Quiet voices; inaudible)

CHAIRMAN E. CONKLIN: What's that?

COMM. J. JONES: Is that this one?

CHAIRMAN E. CONKLIN: That should be his property there.

COMM. J. JONES: It's encroaching.

CHAIRMAN E. CONKLIN: Yeah. Yeah. All right. Tell us what you're trying to do and why you can't meet the regulations.

D. SCHNEIDER: Okay, point, or just talk about it?

CHAIRMAN E. CONKLIN: You could talk, you could

D. SCHNEIDER: I mean, this is my neighbor here, Mr. and Mrs. Carroll. They're all for it. The only thing is I didn't bring a letter but if they're okay with it.

CHAIRMAN E. CONKLIN: Well, it helps to have something.

D. SCHNEIDER: Oh, okay.

CHAIRMAN E. CONKLIN: To give in.

D. SCHNEIDER: But I didn't, they didn't oppose it or anything but I know with the gentleman before when he's speaking to bring up if that helps just, I could always bring a letter back for another hearing cause I'm looking to do this pool if approve everything gets, in the springtime. What I'm looking to do is come about seven feet off the property line. What you can see is the tree in that picture. I'm looking to propose to put a pool coming off the side of my house. And uh, it's gonna be, uh, 15 by 30 and like what I'm gonna do is for like privacy is put up like a stockade vinyl fence around the area. And I'm doing other improvements to my house. I'm putting cobblestone all the way around the encroachment to you know, make it look nicer. My lawn is not looking too good right now. I'm going to put sprinkler systems in the future around the stone and this is, my hardship is that's the only place you could actually put the pool.

CHAIRMAN E. CONKLIN: Where is your well and your septic?

D. SCHNEIDER: My septic is right here, front of the house. Chris Maybeck, I've been there. It's nowhere near my leaching fields.

CHAIRMAN E. CONKLIN: Where's your well?

D. SCHNEIDER: I have no well. I have city water.

CHAIRMAN E. CONKLIN: You have city water.

D. SCHNEIDER: Yes, correct.

CHAIRMAN E. CONKLIN: Okay. And why can't this be put in the backyard?

D. SCHNEIDER: I have all hills – if you could see in the picture. It's all hill behind my house.

CHAIRMAN E. CONKLIN: I couldn't see much in those pictures, that's why I was asking.

D. SCHNEIDER: I can explain it to you. I have a deck that I dealt with; I dealt with through the town. You can see the stairs.

CHAIRMAN E. CONKLIN: Oh, okay.

D. SCHNEIDER: And it's all hill.

CHAIRMAN E. CONKLIN: I don't know where that stair is going. I saw it.

D. SCHNEIDER: Yeah, it's behind the house.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: It's all, this is all this property is hill behind my house. Like straight, almost straight up. It's all ledge.

CHAIRMAN E. CONKLIN: This is looking obviously then, Okay. This is looking from there.

D. SCHNEIDER: Uh, I got to see the picture, you gotta show me.

CHAIRMAN E. CONKLIN: From the driveway looking backwards?

D. SCHNEIDER: Uh, yes, it would be right here. Right here.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: And this is all hill. It's all hill.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: This is ornamental. It's all ledge. It's not flat. You can't, you'd have to blast to take all that out of there. I don't know if it could even be done. (Multiple voices; unclear) It's just the only feasible place to put a pool on the property.

VICE-CHAIRMAN P. CAVALLARO: Those stairs go up to the

D. SCHNEIDER: Yeah, yeah. Everyone's like it's, you know, I went to the town with it, uh, you know Gary Regal? He's a contractor in Milford, I mean in Shelton. He actually built it – there's thirty-seven steps on top of the hill. So, it shows you how steep that hill is. Like I said, I'll put a vinyl fence on the property so you won't even see the pool. It will be enclosed, like you know.

CHAIRMAN E. CONKLIN: What's the distance from the edge of the pool to the house, or

D. SCHNEIDER: Uh, roughly, I think it's like ten; it'll be like eight to ten feet from the house. I didn't, I'm guessing about that. But uh, the main concern from the property line they were concerned about. It's roughly, be, it might be shorter than seven feet. But I set it up to make it seven feet from the tree. You could see in the picture. Basically the tree's the property line. And there's all neighbors around me that have pools, so,

CHAIRMAN E. CONKLIN: I mean, I don't think there should be any issue with this. Is it that much flatter back there?

D. SCHNEIDER: Uh, they had to actually cut into it. They purchased the house from the previous homeowners from what I heard they, it was all hill and they actually cut it and leveled it. It cost like \$50,000 to build that. I don't want \$50,000 to put a pool in.

CHAIRMAN E. CONKLIN: (Whispering; Unclear) coming down off that hill.

D. SCHNEIDER: Yeah, they actually had to level it dig, they were almost, got to a point where they blast but they didn't have to I guess. This is here say. Well no, I talked one of the, I had a landscaper doing work on my house and he said he actually was at that property when they were building it and he gave me, it was, between the landscape and everything it was a very expensive pool. So, there's new homeowners that's the Carrolls and like I said if you have an issue with this, regarding, if you're worried about my neighbor, the property where the driveway is, I could get a letter from them. They're all for it.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: Like I said I'm in no rush for like, if you have to like continue this, I could have them give you a letter to say they're all for it. Cause if there, I mean, if you're concerned about like my neighbor, they, the only issue I would see as far as

CHAIRMAN E. CONKLIN: Now this is above ground pool?

D. SCHNEIDER: Yes it is, sir.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: What's the height on that pool?

D. SCHNEIDER: Uh, I'll do a standard. I'll probably go 48" to 52. That's the standard range. I haven't bought the pool yet because I can't, I can't get a pool before – what's that?

COMM. J. ORAZIETTI: You need a fence for a four-foot pool, right?

D. SCHNEIDER: Negative. That's for in ground. Anything below 42 inches I think you need, have to have a fence around it. You need a fence into the pool. Yes, like a locked fence.

COMM. J. ORAZIETTI: You need it locked.

D. SCHNEIDER: Yeah, yeah, no I'm looking to build a deck. I'm going to go everything by code, I, that's why. Yeah. That's why we had this discussion again today.

COMM. J. ORAZIETTI: I got it.

D. SCHNEIDER: Gotcha.

COMM. J. ORAZIETTI: And there's a fifty-two

D. SCHNEIDER: Yeah. And if you go below 42, then you have to have a fence around the property. But I'm doing that anyway. Just because it's on the side of the house. I think it will be nicer, not seeing the pool like vinyl, just for privacy for us, more or less, and my neighbor.

CHAIRMAN E. CONKLIN: There's no way to slide this pool down by the deck and have the deck come more toward – the reason why I am consider - you not only consider your existing neighbors but your neighbors in the future, too. Like you know, have a problem with noise or something like that. Have the deck come out this, you know, into the back.

D. SCHNEIDER: I mean it's not, it's only like a landing – just get out of the pool. If you don't want me to put the deck on I won't put the deck on, I'll just put a ladder.

CHAIRMAN E. CONKLIN: You got to have a deck of some sort.

D. SCHNEIDER: No, I could have a ladder just going into the pool with a lock on it. You don't have to have a deck on a pool. You just have a ladder going to the pool and they have a lock.

CHAIRMAN E. CONKLIN: What's that?

D. SCHNEIDER: I just propose that he's because

(Multiple voices; unclear)

D. SCHNEIDER: because when I had behind the house, when I had, the had, the um, so, the stairs put in and I had the deck done with the town. He said while you're here, you might as well like, do propose to do anything in the future because to save money on the permit. You could add this to the permit. So, I said I'm looking to put a pool possibly, this was last year and I guess the permit's good for three years. So, that's when I brought up, well you know let's put like a little deck on there. Just so, I don't, be cost-effective for you know, not getting another permit for the pool. But if you guys are against the deck, I won't put a deck on. I'll just put a ladder going into the pool like every other house. I'm only, I'm really looking to do just a little, not a big party

deck, just something where, you know, the kids could just stand on it and jump, you know what I mean, coming off and going into the pool.

CHAIRMAN E. CONKLIN: That's what I was thinking slide the pool back and have the deck come off the side of it.

D. SCHNEIDER: Uh, you can't cause it's all ledge. I'm not, it's all, you're going into a hill. I'd have to cut the hill and ledge.

(Muffled voices; unclear)

CHAIRMAN E. CONKLIN: Immediately.

D. SCHNEIDER: What's that? Yeah, yeah. You could see it in the picture. Like I'm going to actually have to take some of that top soil, like the land and actually pull it down to flatten the area. Cause it's like cutting out a little hill. I've got to flatten it out.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: Like I said, I'm going

CHAIRMAN E. CONKLIN: Are you getting along with your neighbor behind you?

D. SCHNEIDER: I've never actually met him. But I get along with him.

CHAIRMAN E. CONKLIN: Okay.

D. SCHNEIDER: As far as I know.

CHAIRMAN E. CONKLIN: Well, I'm just

D. SCHNEIDER: Yeah, I see. Yeah.

CHAIRMAN E. CONKLIN: The buildings

D. SCHNEIDER: Yeah, yeah. I don't have an issue with that because it's woods behind there so,

COMM. B. VASSER: What road is this?

D. SCHNEIDER: I'm not sure. I have to

CHAIRMAN E. CONKLIN: It's Robert Frost so it's in the poet area, I'm not sure.

D. SCHNEIDER: Yeah, it's uh, Jody, it's one of the, I, if

CHAIRMAN E. CONKLIN: Okay.

(Multiple voices; unclear)

COMM. J. ORAZIETTI: A very nice way of putting it.

CHAIRMAN E. CONKLIN: Well. there's Poe Drive, there's

D. SCHNEIDER: Oh, they, they call it the poet's section.

CHAIRMAN E. CONKLIN: Yeah.

D. SCHNEIDER: Dickinson, Robert Frost

CHAIRMAN E. CONKLIN: Yeah.

D. SCHNEIDER: Like I said, it's the only place feasible, or not feasible but the only place I could put the pool that was nice.

CHAIRMAN E. CONKLIN: Okay. Questions? Questions?

VICE-CHAIRMAN P. CAVALLARO: Is that flat way up in the back, on top? You were going to put a pool

(Multiple voices; unclear)

D. SCHNEIDER: You mean top of the hill?

(Multiple voices; unclear)

D. SCHNEIDER: I'd have to have a pool on top of the hill. And clear out all these trees. It, it you couldn't. It wouldn't be easy to run electricity to it, you know, for the pump. Nowhere, cost for the pool. You can't put it on top of the hill. It's all; it's all woods up there.

CHAIRMAN E. CONKLIN: When did you put those stairs in?

D. SCHNEIDER: Uh, last year. Just like a little play area for my kids.

VICE-CHAIRMAN P. CAVALLARO: It's a very large portion of your yard. I would try to use it.

D. SCHNEIDER: What's that?

COMM. J. JONES: I'm fine with it. If you get a letter from the neighbor that this is

D. SCHNEIDER: Yeah, I'll definitely get a letter. They're all for it.

COMM. J. JONES: I think it's, I think it's uh, if they're, I mean, it's their driveway side.

CHAIRMAN E. CONKLIN: Yeah.

VICE-CHAIRMAN P. CAVALLARO: So, it's not like they're like infringing on like the

CHAIRMAN E. CONKLIN: All right.

D. SCHNEIDER: Yeah, I'm stepping it, I could show you on the picture where I actually, you know where the tree is? That's pretty much the property line. I'm going to put it to my property side of the, the um, side of the tree. I going to take it to stump and grind the stump down and then I'm gonna put a vinyl fence eventually, ya know, I'm gonna like L-shape it in for privacy and like I said I have young kids, So, I mean not to say, like you're saying Somebody else moves in but I'm gonna make it, my kids will you know, they're respectful for the most part.

(Multiple voices; unclear)

CHAIRMAN E. CONKLIN: Ask to bring a letter.

COMM. B. VASSER: Bring a letter in.

CHAIRMAN E. CONKLIN: Bring a letter. Okay. One second. Anybody else anybody n favor of this application? Anybody in favor of this app – would you like to come up to, to?

UNKNOWN VOICE: Sure.

CHAIRMAN E. CONKLIN: Name and address please for the record.

GEORGE SENDER: My name is George Sender. I live at 15 Longview Road. I am the owner of 11 Robert Frost.

CHAIRMAN E. CONKLIN: Okay.

G. SENDER: All right.

CHAIRMAN E. CONKLIN: Which is

G. SENDER: Which is uh, the foundation

CHAIRMAN E. CONKLIN: On the opposite side.

G. SENDER: On the opposite side.

CHAIRMAN E. CONKLIN: Yes. Okay.

G. SENDER: And the pool isn't going on that side So, I don't have a problem with that. If it was, then I would have a problem.

CHAIRMAN E. CONKLIN: Okay.

G. SENDER: There's enough space there, his garage and everything else is pretty much against where I am. So, he really doesn't have the ability to come over that way.

CHAIRMAN E. CONKLIN: Okay.

G. SENDER: Going back, I'm familiar with the property. I've owned that lot for probably eight years or thereabouts. I intend I intended to build on that one time and that, we decided that it was just too far out for what we wanted. But the, I have a lot of back property. And you know there's plenty of land behind what I have. What he has is ledge, unbelievable So, um, I, I, I don't know as to whether he could go too far back behind to do what he wants to do. But I don't have a problem with what he's looking to do.

CHAIRMAN E. CONKLIN: All right. Okay. Thank you very much.

G. SENDER: Okay.

D. SCHNEIDER: I appreciate that. Thank you.

CHAIRMAN E. CONKLIN: Okay. Anybody opposed to this application? Anybody opposed? Okay. All right. I'll leave this one open until next month. You get a letter from your neighbor.

D. SCHNEIDER: Okay. I'm, I'm new to this. So, upon the neighbor's agreeing with us, is it like accepted or I get a letter from you guys after?

CHAIRMAN E. CONKLIN: It would be afterward. We have to close the, we have to finish the hearing. Close the hearing.

D. SCHNEIDER: Okay.

CHAIRMAN E. CONKLIN: And take a vote.

D. SCHNEIDER: Okay.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: He's a, he needs to come back here.

CHAIRMAN E. CONKLIN: You have to come back here next month.

COMM. J. ORAZIETTI: The third Tuesday

CHAIRMAN E. CONKLIN: The third Tuesday of next month with a letter from your neighbor.

D. SCHNEIDER: Okay. Can I just like drop it off with the proposal or not just wait again with the next hearing meeting?

CHAIRMAN E. CONKLIN: Well, you could drop it off in our mailbox so we can enter it.

D. SCHNEIDER: Oh, oh okay.

CHAIRMAN E. CONKLIN: But we haven't closed the hearing. So, if anybody else shows up, and asks a question then you

D. SCHNEIDER: Yeah, yeah. Okay. Okay. I better be here.

CHAIRMAN E. CONKLIN: Pretty much.

D. SCHNEIDER: Okay.

CHAIRMAN E. CONKLIN: All right?

D. SCHNEIDER: All right.

CHAIRMAN E. CONKLIN: Okay. All right.

D. SCHNEIDER: Thank you. Bye. Bye.

CHAIRMAN E. CONKLIN: Thank you. All right.

- - -
HEARING CONTINUED TO OCTOBER MEETING
- - -

OTHER ITEMS OF BUSINESS:

MINUTES - Motion made by Commissioner Vasser and seconded by Vice-Chairman Phillip Cavallaro to approve the minutes of August 21, 2018 as presented by the clerk. Motion approved by unanimous vote.

ZBA HEARING SCHEDULE FOR 2019:

Board agreed to continuing to conduct ZBA Hearings on the third Tuesday of each month in 2019. Clerk to issue schedule to Board and the Town Clerk.

HEARING ADJOURNED AT 8:40 P.M.

by *Tina M. Kelly, Clerk*
for PHILIP J. JONES, SECRETARY,
SHELTON BOARD OF ZONING APPEALS

