

Agenda:

- #0918-01 30 Fairmont Place, c/o Chris Russo of Russo & Rizio, LLC, Fairfield, CT, (Meghan Riccio of 30 Fairmont Place, Owner) *Continued***
- #0918-02 15 Robert Frost Drive, Douglas Schneider of 15 Robert Frost Drive *Continued***
- #1018-01 596 Booth Hill Road, Priscilla Cosme-O'Malley of 596 Booth Hill Road**
- #1018-02 76 Nichols Avenue, Jeanine Sieranski of 76 Nichols Avenue**
- #1018-03 28 Oak Hill Lane, Aaron Toppin of 28 Oak Hill Lane**

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the October 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; Tina Kelly, our clerk; myself, Chair Ed Conklin; to my right is Commissioner Jamie Jones, and to his right is Commissioner Bryan Vasser. There are only 4 members here tonight. You need 4 affirmative votes to get a passing of the ordinance, uh, passing of the variance. If you feel that you are not going to get 4 affirmative votes we can continue to next month where there will be a fifth member and he can read the, or they can read the minutes and also make a decision on it. The choice will be yours. All right.

COMMISSIONER JAMIE JONES:

To whom it may concern:

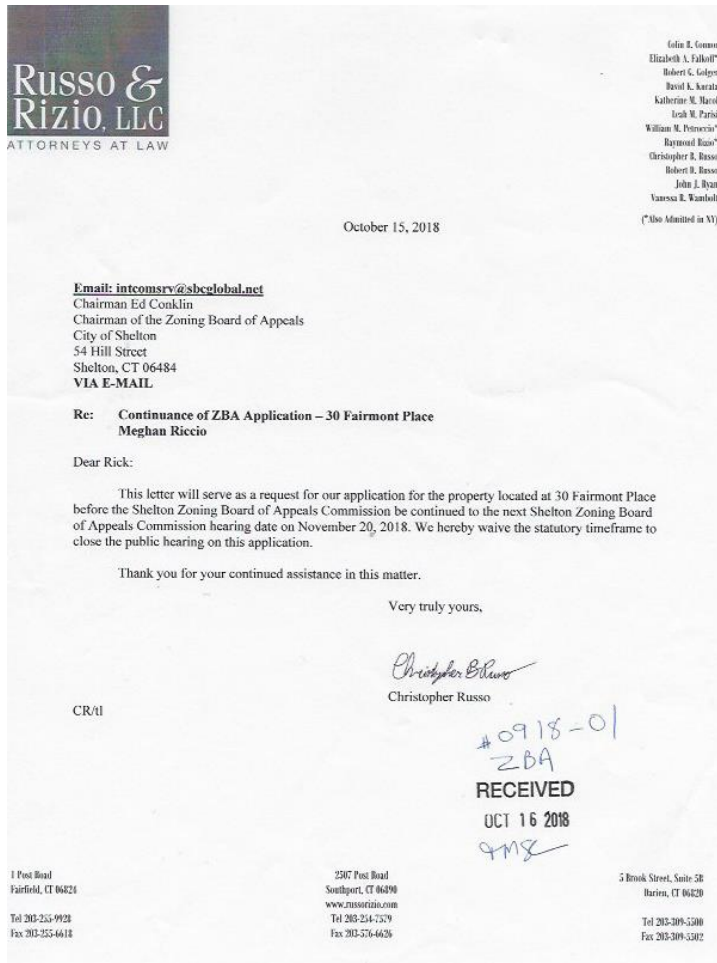
The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday October 16, 2018, at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT. Are we going through?

CHAIR E. CONKLIN: Yeah, read the first one.

COMM. J. JONES:

#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.

And this is continued from last month. This is dated October 15 2018. To "Dear Rick" – it's supposed to be Ed. (*Reads the following letter*):



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HEARING CONTINUED TO NOVEMBER MEETING
- - -

CHAIRMAN E. CONKLIN: Okay. Next.

COMM. J. JONES: Okay.

#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 line 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. This also has been continued.

CHAIRMAN E. CONKLIN: Is the applicant here? Is the applicant here for 15 Robert Frost Drive? All right.

COMM. J. JONES: Okay?

CHAIRMAN E. CONKLIN: Yup.

*(Applicant arrived late; see hearing details below)**

COMM. J. JONES: Next.

#1018-01, 596 Booth Hill Road, Priscilla Cosme-O'Malley of 596 Booth Hill Road, for a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the right side street line from 40 ft. to 22 ft. in order to replace a blighted garage by constructing a new, attached garage measuring 26' x 26' x 24' high with living space above in an R-1 zone.

CHAIRMAN E. CONKLIN: Applicant here? Please come up to the table? Name and address for the record please?

UNKNOWN VOICE: 596 Booth Hill Rd., Shelton, CT, 06484.

CHAIRMAN E. CONKLIN: And your name?

PRISCILLA COSME-O'MALLEY: Priscilla Cosmi O'Malley.

CHAIRMAN E. CONKLIN: Okay, you have pictures? And, do you have receipts for the mailings please?

P. COSME-O'MALLEY: I have the receipts for the letters that I sent.

CHAIRMAN E. CONKLIN: Okay, Just a second. Tell us what you're trying to do and why you can't meet the regulations, please.

P. COSME-O'MALLEY: Um, I'm trying to put a garage off of the, when you're facing the house, the left side of the house and there's nowhere else to put it. We tried putting it, um, we were thinking about putting it off the back of the house but that's where our septic tank is.

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: Um, on the other side there's not enough room to put it, to the right side of the house, between the two houses.

CHAIRMAN E. CONKLIN: Okay. The, this is in, you have an existing garage there in that location, correct?

P. COSME-O'MALLEY: We had one, um, the previous owners had one and I guess it was blighted.

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: So, they had to take it down.

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: It was at the end of our driveway.

CHAIRMAN E. CONKLIN: All right. Are you, is the side that's 26 feet that's encroaching upon Capitol Drive, - is that exceeding past where you previously had, the previous garage was?

P. COSME-O'MALLEY: Uh, we did the measurements. It's, well this was where our the existing garage was

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: And this is 26.6 feet.

CHAIRMAN E. CONKLIN: Okay, so that's, this drawing that you gave us is where the existing garage was previously.

P. COSME-O'MALLEY: Correct.

CHAIRMAN E. CONKLIN: Okay. And that's your, your new garage that you're making, you're moving that a little further to 22 feet?

P. COSME-O'MALLEY: Yes.

CHAIRMAN E. CONKLIN: Okay. Do you have any drawings of what the garage is or

P. COSME-O'MALLEY: We do not yet.

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: The architects going to be, like \$2000 dollars for the drawings so before we spend they \$2000 on the drawings, I wanted to make it would be approved by you guys first.

CHAIRMAN E. CONKLIN: Okay. The garage that you're trying to create...I'm trying to get a feeling of where it is because we have no drawings showing what you're trying to achieve here. You're just showing us where the old garage is.

P. COSME-O'MALLEY: So, right now there's a deck where the garage would be. Um, so, the deck would, the deck is 23½ feet roughly from the outside,

COMMISSIONER BRYAN VASSER: This deck?

P. COSME-O'MALLEY: Yeah. So, that's roughly 23 ½ feet out from where the house is.

CHAIRMAN E. CONKLIN: Okay.

P. COSME-O'MALLEY: So, the garage would come out another 2, 2-½ feet from there.

COMM. B. VASSER: So, the deck is being removed and the garage would go in.

P. COSME-O'MALLEY: Correct.

CHAIRMAN E. CONKLIN: Okay. All right. So, you're, and it's, extending just the depth of the house or are you going – this garage is in front of the house. Is the new garage going to be back equal to the house or is it going to start in front of the house?

P. COSME-O'MALLEY: It's going to start from the front of the house back.

COMM. B. VASSER: So, so the elevation is going to continue straight across?

P. COSME-O'MALLEY: Correct.

COMM. B. VASSER: It's not going to come forward at all?

P. COSME-O'MALLEY: Correct.

CHAIRMAN E. CONKLIN: Okay. I'm just going to sort of sketch this in here just to make sure we all understand what is going on. It's, it's going to be in this side - that area right there?

P. COSME-O'MALLEY: Yes.

CHAIRMAN E. CONKLIN: Okay. So, it's going to be an extension of the house going outward 2 feet, or 4 feet closer to the road than it was previously, but it's going to be in line with the house, okay, the front of the house going outward.

P. COSME-O'MALLEY: Yes.

CHAIRMAN E. CONKLIN: Okay. And it's going to be the same depth as the house?

P. COSME-O'MALLEY: Um, it's going to be less cause the deck the, what the, the deck is, 28 feet.... do you want to come up here because you helped me do the measurements?

UNKNOWN VOICE: The house is 30 -

CHAIRMAN E. CONKLIN: You have to come up here, please come to the table. Give your name and address for the record please.

TOM SUCHOCKI: Tom Suchocki, 596 Booth Hill Road, Shelton, CT.

CLERK TINA KELLY: Can you spell your name please?

T. SUCHOCKI: S-U-C-H-O-C-K-I.

CLERK T. KELLY: Perfect. Thank you.

T. SUCHOCKI: So, the the house right now on that side is 33 feet or 32 and like change feet wide.

CHAIRMAN E. CONKLIN: Okay.

T. SUCHOCKI: It's only going to be 26 so you're going to have a 6 feet, 6 foot difference in the width from the back of the house to the back of the garage.

CHAIRMAN E. CONKLIN: Okay. All right. All right. So, does everybody have an idea, have an understanding of what's going on here?

COMM. B. VASSER: So, you're going to have a flat roof? How are you, or is this going to continue?

T. SUCHOCKI: The, so the roof, I mean, from what the architect was saying is, so the roof he's going to put a ridge in on top that comes this way, so the gable will be on this side.

COMM. B. VASSER: Um-hmm.

T. SUCHOCKI: And then possibly a dormer in the front.

(QUIET VOICES; INAUDIBLE)

COMM. JAMES ORAZIETTI: I don't have.

CLERK T. KELLY: What do you need?

CHAIRMAN E. CONKLIN: Jim, you want to see - send these pictures down to Jim.

COMM. J. ORAZIETTI: That's all right. I'll, I'll share.

CHAIRMAN E. CONKLIN: So, essentially what they're doing, Jim, just to make sure you see, they're, they're,

COMM. J. ORAZIETTI: Yeah.

CHAIRMAN E. CONKLIN: Going to bring it out. This was an old garage that's gone. They're just going to bring it out in that direction there.

COMM. J. ORAZIETTI: Got it. All right. This is what, a one-car garage or two-car before?

CHAIRMAN E. CONKLIN: Uh,

T. SUCHOCKI: One-car garage.

COMM. J. ORAZIETTI: One-car?

T. SUCHOCKI: He's uh, he's our neighbor. He's been living there for,

CHAIRMAN E. CONKLIN: Okay. All right. We'll call -

(MULTIPLE VOICES; UNCLEAR)

COMM. J. ORAZIETTI: You gonna put a living quarters in, up top?

P. COSME-O'MALLEY: Yes.

COMM. J. ORAZIETTI: Is there going to be a bedroom up there or what?

P. COSME-O'MALLEY: Yes.

T. SUCHOCKI: Yes.

COMM. J. ORAZIETTI: So, you're gonna, so it's a full extension of the house, then?

CHAIRMAN E. CONKLIN: Yup.

COMM. J. ORAZIETTI: Okay. This deck is coming off you said?

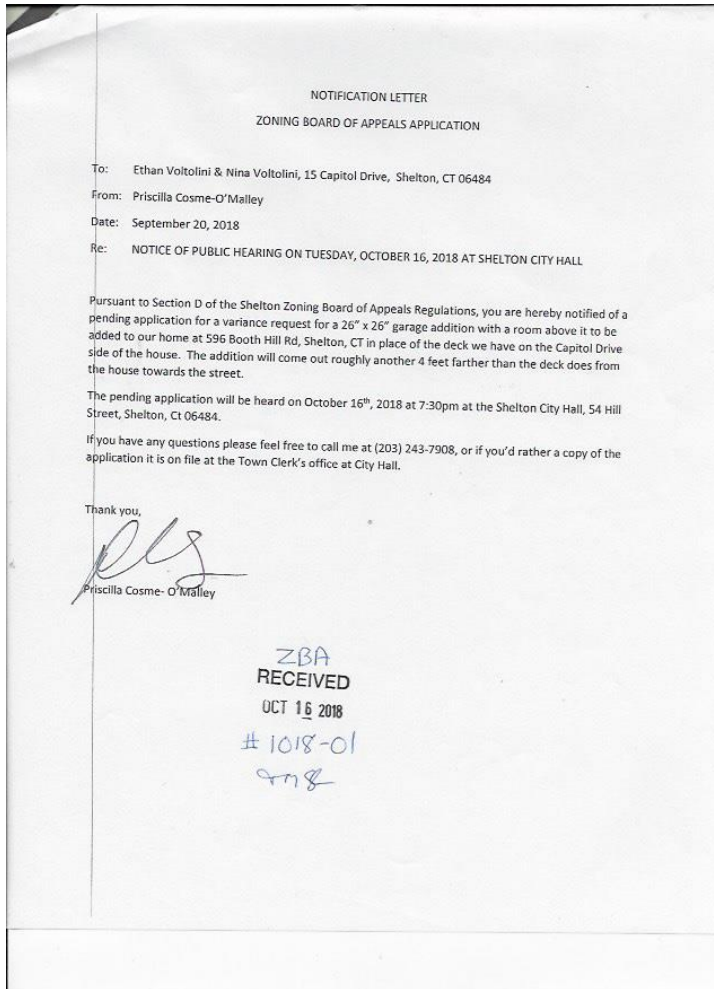
P. COSME-O'MALLEY AND T. SUCHOCKI: Yes.

COMM. J. ORAZIETTI: This back deck? *(MULTIPLE VOICES; UNCLEAR)*

CHAIRMAN E. CONKLIN: Uh, Jamie, this is a letter they sent out to the neighbors. Why don't you - it gives a description of what they're -

P. COSME-O'MALLEY: That's coming off. Yeah, this garage is going in place of that.

COMM. J. JONES: It's a letter written to the neighbors. *(Reads the following letter):*



CHAIRMAN E. CONKLIN: Okay. Thank you. In looking, looking at this aerial view the drive, the driveway comes down this, how should, is going to line up with the edge of the, that driveway?

T. SUCHOCKI: Roughly, yeah.

CHAIRMAN E. CONKLIN: Yeah, okay. All right. Send that down there.

COMM. B. VASSER: So, uh, this is, this is what you're talking about here - just look at the GIS map so I understand. So, we're 22 feet from the property line here and it's going to end where the deck is here, right?

T. SUCHOCKI: Uh, yeah, that's the deck right there.

COMM. B. VASSER: All right. So, this is where the garage is going. And it'll be short of your, it'll be short of the back of the house by about 6 feet. You said you're cutting into the roof there,

T. SUCHOCKI: Yup.

COMM. B. VASSER: So, you're going to have a gable on this side.

T. SUCHOCKI: Yup.

COMM. B. VASSER: Okay. Okay.

CHAIRMAN E. CONKLIN: And he's going to wind up pretty much, they said, about even with the edge of the driveway, is where it's going to actually go.

COMM. B. VASSER: Oh, so it's,

CHAIRMAN E. CONKLIN: Out a little further.

COMM. B. VASSER: Okay.

CHAIRMAN E. CONKLIN: All right. Questions? Any other questions?

COMM. J. JONES: No.

COMM. B. VASSER: I understand.

COMM. J. ORAZIETTI: The hardship, just so, just so we all know, the hardship is the reason why you can't put the garage behind, is because, and of the septic system behind that, and what's in the front of the -

CHAIRMAN E. CONKLIN: Well, it lines up with the existing driveway and they're replacing the garage that was blighted.

COMM. B. VASSER: Where is the septic? Here?

T. SUCHOCKI: So, the septic is um, comes right out, the pipe comes right out from here, right to there. And the septic tank is right here. Then this is our leaching field right there. And that's only about 15 feet or so.

CHAIRMAN E. CONKLIN: All right. Is there anybody in favor of this application, anybody in favor of this application? All right. Come up to the table please.

UNKNOWN VOICE: Myself, as well? Oh, I'm sorry.

CHAIRMAN E. CONKLIN: Well, he's first, I think!

UNKNOWN VOICE: I didn't really hear so, I'm sorry.

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

MICHAEL NEVILLE: Michael Neville, 600 Booth Hill Road, Shelton, CT.

CHAIRMAN E. CONKLIN: Okay. And you're the neighbor on the opposite side. The side that's

M. NEVILLE: Correct. Yes.

CHAIRMAN E. CONKLIN: Okay. All right. You're in favor of this application??

M. NEVILLE: Yes.

CHAIRMAN E. CONKLIN: Okay. Anybody else? Okay.

JEANINE SIERANSKI: JEANINE SIERANSKI.

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

J. SIERANSKI: JEANINE SIERANSKI.

CHAIRMAN E. CONKLIN: Okay.

J. SIERANSKI: 76 Nichols Ave.

CHAIRMAN E. CONKLIN: Okay.

J. SIERANSKI: Shelton, CT.

CHAIRMAN E. CONKLIN: All right.

J. SIERANSKI: 06484.

CHAIRMAN E. CONKLIN: Okay. Are you in favor of the application? Okay.

J. SIERANSKI: Yes. Thank you.

CHAIRMAN E. CONKLIN: All right. Thank you. Anybody opposed to this application? Anybody opposed? Okay, no further questions from the board? Being none, I declare the hearing closed. Thank you.

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Later that evening, upon motion to approve made by Commissioner Vasser and seconded by Commissioner Jones the Board unanimously voted to approve the variance. "In the application by Priscilla Cosme-O'Malley of 596 Booth Hill Road, Shelton for a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the right side street line from 40 ft. to 22 ft. in order to replace a blighted garage by constructing a new, attached garage measuring 26' x 26' x 24' high with living space above, the application for a variance is approved.

Inasmuch as the number of variances is being reduced from 2 to 1; the blighted structure will be replaced with a newly constructed addition; and the new addition will be further away from Booth Hill Road, the main road.

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 right side street line from 40 ft. to 22 ft. in order to replace a blighted garage by constructing a new, attached garage measuring 26' x 26' x 24' high with living space above.

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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*(Applicant arrived for 15 Robert Frost Drive)

15 CHAIRMAN E. CONKLIN: You're 15 Robert Frost Drive. Yes. Okay. Why don't you come up to the table? Did you read that before?

COMM. J. JONES: Uh, I believe so, yes.

CHAIRMAN E. CONKLIN: Yeah, Ok.

D. SCHNEIDER: I apologize.

CHAIRMAN E. CONKLIN: Yeah. Come up to the table please.

D. SCHNEIDER: Is it okay if my son comes up?

CHAIRMAN E. CONKLIN: Pardon?

D. SCHNEIDER: Okay with you if he comes up?

CHAIRMAN E. CONKLIN: Well, he's

D. SCHNEIDER: He just wants to hand you the letter.

CHAIRMAN E. CONKLIN: Okay.

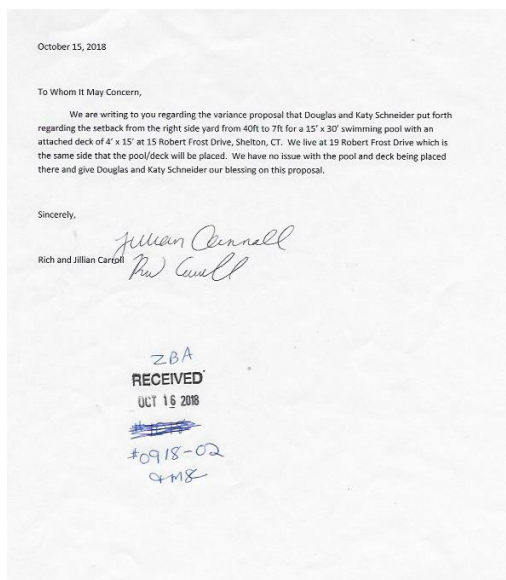
D. SCHNEIDER: It's a big thing for him.

CHAIRMAN E. CONKLIN: You have to give your name and address for the record so we know

D. SCHNEIDER: Give your name, name and address. You gotta say it? You could talk into the recording. What's your name? Okay. Go sit down. Go sit down. You got to be quiet.

CHAIRMAN E. CONKLIN: Okay. 15 Robert Frost Drive is item 2. We had read the uh – read that for the record, please.

COMM. J. JONES: *(Reads the following letter):*



CHAIRMAN E. CONKLIN: And these are the people you're encroaching upon?

D. SCHNEIDER: Yes. Correct.

CHAIRMAN E. CONKLIN: Okay. All right. Any other questions from the board? This is a continuation from last month hearing. Okay. Being none – Oh, I'll just go through it again. Anybody in the audience in favor of this application? Anybody in favor? Anybody opposed? Okay. I declare the hearing closed then. All right. Thank you.

D. SCHNEIDER: All set?

CHAIRMAN E. CONKLIN: That's it. Yup. Thank you.

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Later that evening, upon motion to approve made by Commissioner Jones and seconded by Commissioner Vasser the Board unanimously voted to approve the variance. "In the application by Douglas Schneider of 15 Robert Frost Drive, Shelton 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 ft. x 30 ft.

the application for a variance is approved.

Inasmuch as the topographical nature of the property is such that this is the only location that accommodates a pool.

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 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 ft. x 30 ft.

This certificate is contingent upon the following stipulations: 1) Pump, filters, and heater shall be on the side closest to the applicant's house and not in the variance area. 2) All necessary permits shall be pulled and safety measures followed. 3) The variance is granted for the construction of an attached deck measuring 4 ft. x 15 ft. and an above ground pool measuring 15 ft. x 30 ft. on the right side of the property.

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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COMM. J. JONES:

#1018-02, 76 Nichols Avenue, Jeanine Sieranski of 76 Nichols Avenue, for a variance to Schedule B, Line 9 to reduce the minimum setback from the left side line from 30 ft. to 15 ft. in order to construct an above-ground pool measuring 15' x 25' in an R-1 zone.

CHAIRMAN E. CONKLIN: Okay. Have a seat please. All right. You have pictures for us?

JEANINE SIERANSKI: I have pictures on my phone. If that's uh, is that okay?

CHAIRMAN E. CONKLIN: No. We have to have physical pictures.

J. SIERANSKI: Oh, okay. I guess, then,

CHAIRMAN E. CONKLIN: What's that?

J. SIERANSKI: Are we done then, because um, I don't have actual, physical pictures?

CHAIRMAN E. CONKLIN: Yeah, we have to have physical pictures and we have to have the – cause this goes into a archive. This is a, this is a court hearing.

J. SIERANSKI: So, even if I showed you these pictures and I mailed you it still wouldn't be, be enough?

CHAIRMAN E. CONKLIN: Uh, I 'd have to verify that they're the same pictures that you showed us.

J. SIERANSKI: Um, yeah, I mean,

CHAIRMAN E. CONKLIN: Do you have the receipts from the mailings?

J. SIERANSKI: No, I don't.

CHAIRMAN E. CONKLIN: Did you mail to your abutting neighbors?

J. SIERANSKI: No, I did not.

CHAIRMAN E. CONKLIN: Okay.

J. SIERANSKI: They just gave me -

CHAIRMAN E. CONKLIN: You have, you physically, you have to mail your abutting neighbors.

J. SIERANSKI: I wasn't aware of that. I'm sorry.

CHAIRMAN E. CONKLIN: Yes. 10 days in advance of the hearing and we need physical pictures so,

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: No matter what, this has to be continued to next month.

J. SIERANSKI: Okay. Okay. So, is there a date that you guys are going to send me?

CHAIRMAN E. CONKLIN: Third Tuesday of the month.

J. SIERANSKI: Okay

CHAIRMAN E. CONKLIN: 7:30.

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: All right, so print out the pictures, and mail the abutting neighbors and get receipts and bring them back.

J. SIERANSKI: And what receipts am I getting?

CHAIRMAN E. CONKLIN: Pardon?

J. SIERANSKI: And what receipts am I getting now?

CHAIRMAN E. CONKLIN: Receipts. When you mail the, when, you have to

COMM. J. JONES: Certified mail.

CHAIRMAN E. CONKLIN: Certified mail,

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: You get the receipt for it.

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: Okay?

J. SIERANSKI: All right. Thank you.

COMM. J. JONES: Each of, each of your abutting neighbors.

J. SIERANSKI: I only have one abutting neighbor, so,

COMM. J. ORAZIETTI: Across the street?

J. SIERANSKI: There's actually no one living there cause she just went into nursing homes.

CHAIRMAN E. CONKLIN: Yeah, it's next-door.

J. SIERANSKI: It's only next-door.

CHAIRMAN E. CONKLIN: Right. Actually, no you don't. You have the city of Shelton.

J. SIERANSKI: Yes.

CHAIRMAN E. CONKLIN: You have to notify them, also.

J. SIERANSKI: Oh. Even though I already went to the town? They didn't, I didn't know that.

CHAIRMAN E. CONKLIN: Yeah. You have to mail the, you have to mail the Conservation Commission.

J. SIERANSKI: Oh.

CHAIRMAN E. CONKLIN: For the City of Shelton.

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: All that should be in the, you received a piece of paper with this application.

J. SIERANSKI: Uh, I was in the office filling it out with a gentleman who works here, so I didn't realize that that was something –

CHAIRMAN E. CONKLIN: Yeah, there should have been, they should have given you a document that had who you had to mail to,

J. SIERANSKI: Okay.

CHAIRMAN E. CONKLIN: Uh, and, would, in fact, it says in the beginning of this, also.

J. SIERANSKI: Okay. All right.

CHAIRMAN E. CONKLIN: All right?

J. SIERANSKI: Great. Thank you.

COMM. J. ORAZIETTI: And a photo of the placard.

J. SIERANSKI: What does that mean?

CHAIRMAN E. CONKLIN: Well, the yellow, the yellow placard that you put on the front lawn.

J. SIERANSKI: Oh, okay.

COMM. J. ORAZIETTI: Posted outside.

J. SIERANSKI: I did post it yeah. It's been out for 10 days.

COMM. J. ORAZIETTI: Just take a picture of that so we know.

J. SIERANSKI: Oh okay. All right. Great. Thank you. Okay, great. Thank you.

CHAIRMAN E. CONKLIN: You're welcome.

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HEARING CONTINUED TO NOVEMBER MEETING
- - -

COMM. J. JONES:

#1018-03, 28 Oak Hill Lane, Aaron Toppin of 28 Oak Hill Lane, for a variance to Section 24.12.4 to reduce the minimum setback from the left side street line from 60 ft. to 19 ft. in order to construct a shed measuring 12' x 16' in an R-1 zone.

CHAIRMAN E. CONKLIN: All right. Have a seat, please. Name and address for the record.

A. TOPPIN: Aaron Toppin, 28 Oak Hill Lane, Shelton, CT.

CHAIRMAN E. CONKLIN: All right. Do you have pictures for us?

A. TOPPIN: So, this is our,

CHAIRMAN E. CONKLIN: Receipts?

A. TOPPIN: This is the letter. This is actually our letter, the neighbors signing that they were okay with it. My neighbors are elderly so I tried to keep it very simple for them.

CHAIRMAN E. CONKLIN: And you have pictures?

A. TOPPIN: Pictures and then,

CHAIRMAN E. CONKLIN: You built the shed already, is what you've done.

A. TOPPIN: The shed is existing at this point, yes.

CHAIRMAN E. CONKLIN: Was there a complaint filed on this, or?

A. TOPPIN: No. That's just another area.

CHAIRMAN E. CONKLIN: Okay.

(CLERK T. KELLY QUIETLY WHISPERING INFORMATION TO CHAIRMAN E. CONKLIN)

CHAIRMAN E. CONKLIN: This, this is not complete pictures. Because they're just showing the shed. They aren't showing your property. They aren't showing part of the neighbor's property. In regards to this.

A. TOPPIN: So, you can't, like my neighbor's property behind me, you'll never see from my house. It's all wooded.

CHAIRMAN E. CONKLIN: All right.

A. TOPPIN: Um, my neighbor on the other side, on Oak Hill, can see my property. I guess he could see it. But that's, he's, it's on the other side of my house. I mean this is, this is his, his edge of his house here.

CHAIRMAN E. CONKLIN: All right. The, uh, also, this, this side setback – I don't know where you got six...it should be 40 feet from the street.

A. TOPPIN: Uh, I was in the office with Rich.

CHAIRMAN E. CONKLIN: I saw that.

A. TOPPIN: He told me, he went through this application with me and helped me fill it all out. He came up with the measurements and his, he pulled out the uh, the book.

CHAIRMAN E. CONKLIN: This would be 40 feet from the side street, not sure where the 60 came from.

A. TOPPIN: He, that was, that was per Rich. I don't, I'm not, not sure.

CHAIRMAN E. CONKLIN: Why, why was, why is the shed put it up here and not in the back of the house?

A. TOPPIN: So, this is the Brook, back here.

CHAIRMAN E. CONKLIN: Oh, that's wetlands?

A. TOPPIN: So, that's all wetlands up to where I can build in front of my wetlands becomes a good incline up to the front from the back. So, this was kind of level ground.

CHAIRMAN E. CONKLIN: So, you have, I don't think, even with that you have 50 feet from the wetlands that you cannot build upon.

A. TOPPIN: 70, 75.

CHAIRMAN E. CONKLIN: From there.

A. TOPPIN: From that brook. It was a named brook. I was told so the setback is 75 feet.

CHAIRMAN E. CONKLIN: It's a what brook?

A. TOPPIN: It's called a name, it, they said it has a name to it so,

CHAIRMAN E. CONKLIN: Okay.

A. TOPPIN: It's 75 feet. It's Means Brook, I believe.

CHAIRMAN E. CONKLIN: Oh, it is Means? Oak Hill Lane. All right. And the fence is already up and existing?

A. TOPPIN: Correct.

CHAIRMAN E. CONKLIN: Uh, and that's blocking it from the street - this is a picture from the street side? This side?

A. TOPPIN: This is, this is from Oak Hill Lane.

CHAIRMAN E. CONKLIN: Okay. So, that's from the street.

A. TOPPIN: So, that's, that's,

CHAIRMAN E. CONKLIN: It's been landscaped in front of the?

A. TOPPIN: Yeah.

CHAIRMAN E. CONKLIN: Okay. So, that would be, in other words the fence is across here?

A. TOPPIN: The fence is both directions, across the front and down the side.

CHAIRMAN E. CONKLIN: Okay. So, it's blocked from the street.

A. TOPPIN: Correct.

CHAIRMAN E. CONKLIN: And the sides. It's not extended past the front of the house, is it?

A. TOPPIN: No.

CHAIRMAN E. CONKLIN: Okay.

A. TOPPIN: It's actually a little behind.

CHAIRMAN E. CONKLIN: All right. So, it has to be that. All right. Questions? Jim?

COMM. J. ORAZIETTI: You're coming for a variance? It's already up?

A. TOPPIN: That's correct.

CHAIRMAN E. CONKLIN: Not the first time.

COMM. J. ORAZIETTI: Okay.

CHAIRMAN E. CONKLIN: All right. Questions, Jim? All right. Anybody in the audience in favor of this application? Anybody in favor? Anybody opposed? Okay. I declare the hearing closed then. All right. Thank you.

A. TOPPIN: Thank you.

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Later that evening, upon motion to approve made by Commissioner Jones and seconded by Commissioner Vasser the Board unanimously voted to approve the variance. "In the application by Aaron Toppin of 28 Oak Hill Lane, Shelton for a variance to Section 24.12.4 to reduce the minimum setback from the left side street line from 60 ft. to 19 ft. in order to construct a shed measuring 12 ft. x 16 ft.,

the application for a variance is approved.

Inasmuch as 1) the shed is well hidden behind a fence and landscaping and 2) due to the presence of wetlands and other limiting features on the property, the shed has to be placed on the left side of the property.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24.12.4 to reduce the minimum setback from the left side street line from 60 ft. to 19 ft. in order to construct a shed measuring 12 ft. by 16 ft.

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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OTHER ITEMS OF BUSINESS:

MINUTES - Motion made by Commissioner Oraziotti and seconded by Chairman Conklin to approve the minutes of September 18, 2018 as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT 8:00 P.M.

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

