

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, November 20, 2018

Agenda:

- #0918-01 30 Fairmont Place, c/o Chris Russo of Russo & Rizio, LLC, Fairfield, CT, (Meghan Riccio of 30 Fairmont Place, Owner) *Continued***
- #1018-02 76 Nichols Avenue, Jeanine Sieranski of 76 Nichols Avenue**
- #1118-01 120 Longfellow Road, Shaun Wills of 120 Longfellow Road**

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

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, November 20, 2018, at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.

COMM. J. JONES:

#0918-01, 30 Fairmont Place, should I read that Ed, or

CHAIRMAN E. CONKLIN: Yeah, why don't you just read that.

COMM. J. JONES: Okay, I have a letter regarding #0918-01, to Chairman Ed Conklin, *(Reads the following letter):*



Colin R. Lannar
 Elizabeth A. Falsetti*
 Robert C. Gilger
 David K. Karata
 Katherine M. Macle
 Leah M. Parisi
 William R. Petrucci*
 Raymond Rime*
 Christopher D. Russo
 Robert D. Russo
 John J. Ryan
 Vincent R. Wambolt
 (*Not Admitted in NY)

November 16, 2018

0918-01
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Chairman Ed Conklin
 Chairman of the Shelton Zoning Board of Appeals
 54 Hill Street
 Shelton, CT 06484
 E-Mail: intcomsrv@sbeglobal.net
 VIA E-MAIL

Re: **Continuance of ZBA Application – 30 Fairmont Place
 Meghan Riccio**

Dear Ed:

This letter will serve as a request for the application for the property located at 30 Fairmont Place before the Shelton Zoning Board of Appeals Commission be continued to the next Shelton Zoning Board of Appeals Commission hearing date on December 18, 2018. We hereby waive the statutory timeframe to close the public hearing on this application. I have enclosed electronic copies of a revised site plan, landscaping plan, and floor plan, which addressed comments from the Shelton Zoning Board of Appeals and Planning & Zoning Commission. In particular, the revised site plans depict a parking area in compliance with the Shelton Zoning Regulations as the Applicant was able to remove all stacked parking spaces while still proposing ten (10) off-street parking spaces. The revised landscape plan will screen the residential neighbors from the proposed parking area. The Applicant requests a continuance to speak with the parties whom submitted comments on this application.

Thank you for your continued assistance in this matter.

Very truly yours,

Christopher Russo
 Christopher Russo

CR/tl

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 Fairfield, CT 06424
 Tel 203-255-9928
 Fax 203-255-6618

290 Post Road
 Southport, CT 06490
www.russorizio.com
 Tel 203-254-2279
 Fax 203-256-6826

5 Brook Street, Suite 20
 Danvers, CT 06429
 Tel 203-309-5200
 Fax 203-309-5312

CHAIRMAN E. CONKLIN: I had a discussion with the attorney that if we don't have a meeting next month we will continue it until January. Alright. Next.

(HEARING CONTINUED TO NEXT ZBA MEETING, JANUARY 15, 2019)

#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: Is the applicant here? Is the applicant here? Alright.

Later that evening, a motion was made by Commissioner Vasser and seconded by Commissioner Adanti to deny the application without prejudice since the applicant was not in attendance. Motion denied without prejudice by unanimous vote.

COMM. J. JONES: #1118-01 120 Longfellow Road, Shaun Wills of 120 Longfellow Road, for a variance to Schedule 24, B Standards, Line 9 to reduce the minimum setback from the left side line from 30 ft. to 24 ft. in order to build a 20 ft. x 30 ft. family room and storage basement addition to a single-family, ranch-style residence in an R-1 zone.

CHAIRMAN E. CONKLIN: Is the applicant here? Please come up to the table. Have a seat. Give your name and address for the record.

SHAUN WILLS: My name is Shaun Wills. I live at 120 Longfellow Road in Shelton. This is my wife Violet.

CHAIRMAN E. CONKLIN: All right.

CLERK T. KELLY: Your first name is?

SHAUN WILLS: Violet.

CLERK T. KELLY: Okay. Very good. Thank you.

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

SHAUN WILLS: Yes sir. So, this is the front view of the residence. This is the rear view.

CHAIRMAN E. CONKLIN: Okay. Where is a picture of the placard? Do you have that? Yeah, okay, it's in there.

VIOLET WILLS: Yeah. This, is this what you mean?

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

SHAUN WILLS: Um, they're all different pictures. Some of them are different angles.

CHAIRMAN E. CONKLIN: Okay let's just get - pass these to the other side. Uh, receipts from your neighbors?

SHAUN WILLS: So, these are three that we got back.

VIOLET WILLS: Those are the four that we sent. These are the three that we received.

SHAUN WILLS: Okay.

(Muffled voices; unclear)

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

SHAUN WILLS: Um, we're trying to put on a, uh, a family room and storage area to the left side of our house. Um, we cannot go to the right because that's our driveway. We can't go to the rear because that's where our septic system and pool is. So, basically where our deck is currently we want to rip the deck off and put on a family room.

CHAIRMAN E. CONKLIN: Okay. Approximately how wide is the deck?

SHAUN WILLS: Right now I think it, I don't know exactly but it's probably close to 15 by 20.

CHAIRMAN E. CONKLIN: Okay. So, you're going out 5 feet more than the existing deck.

SHAUN WILLS: Correct. Correct.

CHAIRMAN E. CONKLIN: All right. Uh, it is strictly family room and is anything, anything going to be above it?

SHAUN WILLIS: No. Just the, just the family room and below just storage.

CHAIRMAN E. CONKLIN: And it's going to be a basement, dug out basement?

SHAUN WILLIS: Correct.

CHAIRMAN E. CONKLIN: Okay. Where is, uh, do you have a well on this property?

SHAUN WILLIS: No.

CHAIRMAN E. CONKLIN: Okay, so you're served

SHAUN WILLIS: City water.

CHAIRMAN E. CONKLIN: City water, but you have septic system.

SHAUN WILLIS: Correct.

CHAIRMAN E. CONKLIN: Okay, in the back.

SHAUN WILLIS: Correct. This is basically where the tank is here and then the leaching fields are out here.

CHAIRMAN E. CONKLIN: All right.

SHAUN WILLIS: We have the uh, blocks are laid (*paper rustling very loudly; inaudible*)...the map

COMM. J. JONES: I don't think we, uh,

SHAUN WILLIS: You don't need that?

CHAIRMAN E. CONKLIN: No, because if we see it, and look at it, we have to keep it.

SHAUN WILLIS: Okay.

CHAIRMAN E. CONKLIN: Just to let you know. All right.

SHAUN WILLIS: Do you need the receipts or anything for us sending out?

CHAIRMAN E. CONKLIN: No. Questions from the Board?

(*Paper rustling loudly; inaudible*)

COMM. L. ADANTI: May I see the pictures, when whoever's done with them?

CHAIRMAN E. CONKLIN: She just wants to trade.

SHAUN WILLIS: I also got a letter from the neighbor to the left and to the right,

CHAIRMAN E. CONKLIN: Okay.

SHAUN WILLIS: Basically saying that they have no issue with the addition being put on.

COMM. J. JONES: This letter dated November 19, 2018 (*reads the following letter*):

November 19, 2018
Daniel and Kevin McCue
116 Longfellow Rd
Shelton, Ct 06484

To whom it may concern;

My neighbors, Shaun and Violet Wills would like to build an addition onto their home. I wanted to put into writing to the Board of Appeals that we have no objections to their building an addition. We are aware that the set backs will be different and the addition is proposed to be 6 feet closer to the opposite side of our property.

Best Regards,


Daniel and/or Kevin McCue


#1118-01
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And the same letter signed by Michael and/or Marina Mazzucco:

November 19, 2018
Michael and Lorena Mazzucco
124 Longfellow Rd.
Shelton, Ct 06484

To whom it may concern;

My neighbors, Shaun and Violet Wills would like to build an addition onto their home. I wanted to put into writing to the Board of Appeals that we have no objections to their building an addition. We are aware that the set backs will be different and that the addition is proposed to be 6 feet closer to our property.

Best Regards,


Michael and/or Lorena Mazzucco

#1118-01
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CHAIRMAN E. CONKLIN: Okay.

COMM. J. JONES: And they're at 124 Longfellow Road.

VIOLET WILLS: Uh, the one

CHAIRMAN E. CONKLIN: Which one is the neighbor that's you're encroaching upon?

SHAUN WILLS: That's the Mazzoccos.

VIOLET WILLS: So, the, the Mazzoccos. The last sentence of that letter

COMM. J. JONES: Yeah, I'm sorry, yeah I should read it.

VIOLET WILLS: Is a letter a bit different.

COMM. J. JONES: All right, it's "6 feet closer to our property."

VIOLET WILLS: Right. That's just less.

COMM. J. JONES: But they, they have no objections.

CHAIRMAN E. CONKLIN: Okay, so the people you're encroaching upon have sent a letter in.

SHAUN WILLS: Correct:

CHAIRMAN E. CONKLIN: Okay. Linda, questions?

COMM. L. ADANTI: May I just see the plan, the site plan?

VICE-CHAIRMAN P. CAVALLARO: I'm a little confused that it's showing 23 feet from the property line, but

COMM. B. VASSER: No, uh, 24. So, that's 23,

SHAUN WILLS: That's what it would be after.

COMM. B. VASSER: That's 24. The variance request is 24, right?

VICE-CHAIRMAN P. CAVALLARO: No, thirt – oh, wrong one. Sorry.

COMM. B. VASSER: Yeah. The variance request is 24; that shows 23. Which is correct?

CLERK T. KELLY: *(Whispering to the Chairman: Okay. I got it.)*

CHAIRMAN E. CONKLIN: So, you're moving that deck.

VIOLET WILLS: Yeah. That's what I figured.

CHAIRMAN E. CONKLIN: Okay. Questions, Linda?

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

CHAIRMAN E. CONKLIN: Okay. Any other questions?

COMM. B. VASSER: You're still on the first one. That says 24; that says 23.

CHAIRMAN E. CONKLIN: Yeah, well they're asking for a foot more variance.

COMM. B. VASSER: They're asking for a change from 30 to 24.

CHAIRMAN E. CONKLIN: Right.

SHAUN WILLS: Correct. We're asking for 6 feet.

COMM. B. VASSER: That says 23 on the plan.

CHAIRMAN E. CONKLIN: Well, we can allow only 23 if you want, but 24 is asking for 1 foot extra in case theirs a problem probably.

COMM. B. VASSER: What they need is 23. If it says 24 here they need 23. They need to be closer.

CHAIRMAN E. CONKLIN: What's that?

COMM. B. VASSER: They need to be closer.

CHAIRMAN E. CONKLIN: Well, 24 means they're allowing, they're looking for a foot more into their property.

COMM. B. VASSER: So, what, I'm not, I'm – maybe it's me. But if, if we grant them 24

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: That means that, that room's going to be smaller.

CHAIRMAN E. CONKLIN: I'm sorry!

COMM. B. VASSER: You know what I'm saying?

CHAIRMAN E. CONKLIN: Yeah, I'm looking at it the wrong way. You're absolutely right, yes.

COMM. B. VASSER: We're going to approve it and they're going to come out and measure it,

CHAIRMAN E. CONKLIN: Yeah. Yeah. Yeah.

COMM. B. VASSER: And say, "Whoops! Tear it down." So,

CHAIRMAN E. CONKLIN: Uh, where (*Multiple voices; unclear*) where's, just, you are asking for 24.

VIOLET WILLS: I,

SHAUN WILLS: Yeah, it says it right here on our copy.

VIOLET WILLS: Yeah.

CHAIRMAN E. CONKLIN: Yeah. You,

COMM. B. VASSER: I mean we can allow 23, right?

CHAIRMAN E. CONKLIN: Yeah. We can allow 23. We can allow 23.

COMM. B. VASSER: I'm just – just be mindful of that.

CHAIRMAN E. CONKLIN: Good, good catch. Yeah, okay. You're asking for 24, okay, which means that you're only asking for this much. You're only asking for 19 feet.

SHAUN WILLS: Uh, cause he came up

CHAIRMAN E. CONKLIN: Okay.

SHAUN WILLS: He came up with 44 and we want to go out 20.

CHAIRMAN E. CONKLIN: Oh, you came up

SHAUN WILLS: That's what our

CHAIRMAN E. CONKLIN: You know what? We are going, we're going to have to have – is that an A-2 survey?

SHAUN WILLS AND VIOLET WILLS: Yes.

CHAIRMAN E. CONKLIN: All right, then, we're going to have to have – let me take a look at that.

COMM. B. VASSER: Is, that's the original?

SHAUN WILLS AND VIOLET WILLS: Yes.

COMM. J. JONES: You sure this is another copy of that?

CHAIRMAN E. CONKLIN: This is a copy of this?

SHAUN WILLS: Do we have a copy of this at home?

CHAIRMAN E. CONKLIN: No, is this a copy of that? Yes it is. It is.

VIOLET WILLS: Tom Dingle,

CHAIRMAN E. CONKLIN: Okay.

SHAUN WILLS: Yeah, did it.

COMM. J. JONES: Yeah, it is.

CHAIRMAN E. CONKLIN: Okay, so it's a copy. Okay. Just a piece.

VIOLET WILLS: Can you just put that one piece? Yeah.

SHAUN WILLS: So, so you're correct. What's on there is just the 20-foot addition with 23 feet.

COMM. B. VASSER: Okay. So, then we have to make sure that when we *(quiet; inaudible)*

CHAIRMAN E. CONKLIN: Yeah.

COMM. L. ADANTI: Goes in the record

COMM. B. VASSER: You know, goes in the record.

COMM. J. JONES: Can't we just make that change; I mean it's really

(Muffled voices, unclear)

CHAIRMAN E. CONKLIN: Yeah, I know. Yeah. I, they should have told me before. Okay if they go with it.

COMM. J. JONES: Okay.

CHAIRMAN E. CONKLIN: Okay. It's, you know,

VIOLET WILLS: Yeah, I understand.

CHAIRMAN E. CONKLIN: Glad you caught that. Yeah.

COMM. L. ADANTI: But we could correct that in the record, can't we?

CHAIRMAN E. CONKLIN: Pardon?

COMM. L. ADANTI: Correct that in the record?

CHAIRMAN E. CONKLIN: Yes.

(Multiple voices; inaudible)

VICE CHAIRMAN P. CAVALLARO: I was looking at 15 feet.

COMM. B. VASSER: You were looking at the wrong one. Don't worry; I knew what the problem was there.

CHAIRMAN E. CONKLIN: Okay, any other discussions? Glad you showed up tonight.

(Laughter)

COMM. B. VASSER: I wasn't going to come! *(Multiple voices; unclear)*

SHAUN WILLS: I'm glad! We could have had it and had a problem.

CHAIRMAN E. CONKLIN: Any other discussion? There being none, I declare this hearing closed.

VIOLET WILLS: Okay.

CHAIRMAN E. CONKLIN: All right. Thank you.

SHAUN WILLS: Thank you.

CHAIRMAN E. CONKLIN: Oh, I have to go through a formality. Anybody in the audience in favor of this application? Anybody in favor? Anybody opposed to this application? Nobody, so I declare the hearing closed. All right. Thank you very much.

SHAUN WILLS: Thank you very much for your time I appreciate it. And everybody have a good holiday. So, we'll keep – everything that I handed you you're going to keep?

CHAIRMAN E. CONKLIN: We have to keep this.

SHAUN WILLS: Okay. Perfect. Thank you very much for your time everybody.

CHAIRMAN E. CONKLIN: Okay. You're welcome.

COMM. B. VASSER: Have a good night.

SHAUN WILLS: You do the same.

VIOLET WILLS: Thank you. Have a great holiday.

CHAIRMAN E. CONKLIN: You too. All right.

- - -
Later that evening, upon motion made by Commissioner Jones and seconded by Commissioner Adanti, the Board unanimously voted to approve the variance. "In the application by Shaun Wills of 120 Longfellow Road, for a variance to Schedule 24, B Standards, Line 9 to reduce the minimum setback from the left side line from 30 ft. to 24 ft. in order to build a 20 ft. x 30 ft. family room and storage basement addition to a single-family, ranch-style residence.

the application for a variance is approved.

Inasmuch as the location of the septic system on the property and the home will be in harmony with others in the neighborhood.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, B Standards, Line 9 to reduce the minimum setback from the left side line from 30 ft. to 24 ft. in order to build a 20 ft. x 30 ft. family room and storage basement addition to a single-family, ranch-style residence.

The approved variance has been corrected to increase the minimum setback from the left side line to 23 feet as indicated on the plan, as opposed to the 24-foot setback requested in the application.

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 Jones and seconded by Chairman Conklin to approve the minutes from the October 16, 2018 hearing as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 7:50 P.M.

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