

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, January 15, 2019

Agenda:

- #0918-01 30 Fairmont Place, c/o Chris Russo of Russo & Rizio, LLC, Fairfield, CT, (Meghan Riccio of 30 Fairmont Place, Owner) (Continued)**
- #0119-01 62 Congress Avenue, Caroline Ferreira Dos Santos of 62 Congress Avenue**
- #0119-02 415 River Road, Michael Ballaro & Son, LLC of 201 Buckingham Avenue, Milford, CT, 06460**
- J&N Enterprises, Inc. of 18 Squire Lane, Monroe, CT, 06468 as follows:**
- #0119-03 9 Orowoc Trail, Map 21-C Lot 100**
- #0119-04 11 Orowoc Trail, Map 21-C Lot 99**
- #0119-05 15 Orowoc Trail, Map 21-C Lot 16**
- #0119-06 117 Soundview Avenue, Teresa M. Kleczkowski of 117 Soundview Avenue, Proposed Lot B**

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

COMMISSIONER JAMIE JONES:

To whom it may concern: The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday, January 15, 2019, 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, CT, (Meghan Riccio of 30 Fairmont Place, Owner)** for the following 3 variances: 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 the lot area required for a 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. (Continued)

CHAIRMAN E. CONKLIN: Is the applicant here?

ATTY. CHRIS RUSSO: Chairman and Commissioners, it's good to be before you tonight. Happy New Year. Hope you all had a, uh, good holiday. Uh, Chris Russo with Russo and Rizio, LLC. Offices at 1 Post Road in Fairfield. Uh, here for the property at 30 Fairmont Place on behalf of Dan and Meghan Riccio. Um, for the stated variances except we actually were able to eliminate the uh, last variance uh, request which was for the stacked parking. Uh, took a lot of your comments from, from the last hearing that we had some time ago um, and we've made a

number of revisions. Uh, Dan Riccio, who, who is uh, uh, his wife owns the property but he's the one developing the property, uh, is here. And uh, I'm actually going to have him, uh, run through the changes that he's made trying to incorporate the, the comments that we, that we had from the, the last hearing before you, so,

DAN RICCIO: Good evening, everybody, thank you for taking the time to hear the application. Um, so just wanted to, you know, run the, the Board through this kind of from the beginning. We have a few changes and, and a couple of different versions of this plan. Each one was changed due to some suggestions and concerns by different uh, Board members. Um, so, the first plan here uh, we had, showed the ten parking spaces uh, for the site uh, but we had parking in the front and when we had our initial meeting with the Zoning Board, they had, you know, mentioned that that was not something that they wanted to see so uh, we went back to the drawing Board on that. And, that took us to this plan here which we had presented a few months back um, for the, to the, to you the ZBA. So, this plan, um, moves the parking spaces from the front of the building uh, to, all to, to the back of the building. But uh, the parking spaces were stacked. When we were here last time, you know, you guys had uh, voiced some concerns about the stacked parking um, and also about uh, screening, landscape screening. So, we took those concerns and suggestions and uh – one of those suggestions was made by the Chairman to eliminate uh, the concrete, screened-in porch in the back, which we hadn't thought of, um, to be able to fit all the ten spots on the, on the site without having to have stacked parking. Sure enough, you know, ran the numbers and uh, and it was able to happen. So, we have the ten spots here, all contained in the back of the lot, without any need for stacked parking. So, actually the three variances that we're going for, the stacked parking variance we do not need. Um, in addition to that, uh, that's the site plan. Give me the landscape plan. So, in addition to that, you know, some concerns were made about screening of this parking lot to you know, the neighboring, the neighbors. And so what we did is, um, in addition to just putting some, um, you know, ornamental trees here in the front uh, just to augment the landscaping on the property, we screened the parking area with uh, arborvitas here. Additionally to just do some landscaping around you know, the foundation of the building, sidewalks, walkways, uh, so on and so forth. Um, so that's pretty much the, you know, the site, all the site improvements. And then, you know, in terms of the interior of the building so, we're asking for you know, a variance, you know, to have to turn a four-family dwelling with a commercial kitchen into five residential units. So, we're trying, it, the property is currently pre-existing, non-conforming. We're trying to reduce the non-conformity by removing the commercial kitchen and turning that into a residential dwelling unit. So, this is the area, down, the first floor here, where the commercial kitchen, you know, is. And, what we propose to do is to divide this up into uh, two, 2-bedroom units. Uh, one unit being here, 2 bedrooms, kitchen there and another being here, bedroom there, back bedroom, kitchen there. Um, so that is the, that, that is the application. And um, I think that, you know, what this will, the good points of this application is that, you know, currently this site has no parking on it at all. Um, and so what we're going, what we're going to be able to do with this is to bring, to get ten parking spots on the property um, which will you know, decrease the congestion on the street because currently now any tenants of the building will have to only be able to park on the street. Um, and so that'll bring all those tenants onto the property and reduce congestion on the street. And it kinda gives an opportunity for property that was getting a little tired to get a little face lift and become more attractive.

ATTY. C. RUSSO: Dan, did you talk to the neighbors, uh the Gutmanns, that are, that are,

D. RICCIO: That's right. Our, and our, uh, our abutting neighbor, I did speak with them, showed them the plan, uh, and we do have their support on it, their side, their side.

CHAIRMAN E. CONKLIN: And in remov – in removing that commercial kitchen you have not altered the outside; the structure of this building, enlarged it at all, you've kept with the same existing walls that are present, correct?

D. RICCIO: Yeah, we actually reduced it by removing that screened-in porch.

CHAIRMAN E. CONKLIN: Okay.

ATTY. C. RUSSO: And I, I have the original of this to hand in.

COMM. B. VASSER: This is a 2-story building?

D. RICCIO: Uh, 3-story.

COMM. B. VASSER: What's happening with the other floors?

D. RICCIO: So, those um, units are actually current – 2 of them are currently under renovation, just to spruce up those, those units. Um, 2,

COMM. B. VASSER: So, there's only one unit on the first floor now and you want to add a second to, or there's no units on the second floor.

D. RICCIO: There's, there's a, a, a unit there with a commercial kitchen and a, and a unit. And so the second floor has uh, units and the third floor has one unit.

ATTY. C. RUSSO: Dan, I'm going to move this. I'm going to show them some,

(Quiet voices; inaudible)

CHAIRMAN E. CONKLIN: That's the, the,

COMM. B. VASSER: That's the, yeah.

D. RICCIO: So, um, I'm passing around some pictures. They're uh, just from a recent project that I did in Shelton, just completed like a month or two ago. The, my plan here is to you know, kinda do a little bit of a higher end build, um you know, making the unit a little bit more, you know, luxury, if you will, to attract a better, higher quality tenant, um, which is kind of a win, win for the neighbors, getting them, you know, a better, better tenant. Also, makes the landlord deal with a, you know, better tenant. So, it's kinda, looking for long term tenants, long term, you know,

COMM. B. VASSER: How many square feet are each of the units?

D. RICCIO: Um, the, on the first floor?

COMM. B. VASSER: All of them.

D. RICCIO: Um, on the first floor, ballpark they are around 800 square feet on the first floor each; um, the second floor, one's about 5 or 6 hundred and the second one's about 600; and the top floor is around 900.

COMM. B. VASSER: And these are both 2-bedroom units?

D. RICCIO: Yes.

COMM. B. VASSER: 800 square feet?

D. RICCIO: Yes.

COMM. B. VASSER: And the second floor, 600 a piece and those are 1-bedroom?

D. RICCIO: 1-bedroom.

COMM. B. VASSER: And the top floor,

D. RICCIO: Yep.

COMM. B. VASSER: 2-bedroom?

D. RICCIO: 3-bedroom.

COMM. B. VASSER: 3-bedroom, 900 square feet.

D. RICCIO: Yes.

COMM. B. VASSER: 900 square feet, 3-bedroom?

D. RICCIO: Yes.

COMM. L. ADANTI: Mr. Riccio, may I ask you a question?

D. RICCIO: Yes.

COMM. L. ADANTI: What do you plan on doing to the outside of the building as far as sprucing it up?

D. RICCIO: So, um, my plan was to re-side the building. Um, I, I wasn't, it was like a two to three-year plan to re-side the building. Um, but I'm open to that.

ATTY. C. RUSSO: I know there was a, there was a question last time about cause, remember the history of this property being connected with the church. Um, the parking lot that's right next to this, to this house, that's where tenants had been previously parked and were able to use – I, I was not the attorney represented on Mr. Riccio when he purchased the property. So, I wasn't familiar with, with what happened in that transaction so I spoke to the attorney after he had the hearing, uh, that handled it for Mr. Riccio. And the church was clear, um, I, I saw the assignment of leases um, and uh, and the, and the closing documents. And it was clear from, uh, from those documents that the church was adamant that uh, that the parking lot not be used by the tenants. And it was made clear in those documents. So, Mr. Riccio won't have the ability to have tenants park there. So, they really have no place to park currently because there's no parking on site. But, um, with the improvement of the, the ten parking spaces that will obviously be a huge improvement.

CHAIRMAN E. CONKLIN: You had to remove the sidewalk? I think there was a sidewalk between that building and that parking lot, wasn't there?

D. RICCIO: There's, it's still there.

CHAIRMAN E. CONKLIN: Okay.

D. RICCIO: It's still there. But with this yes, I would plan to, you know, remove that absolutely.

COMM. B. VASSER: Are these photos of work that's being done there or is this just?

D. RICCIO: No, that's, that's another, that's another um, unit in Shelton on Myrtle Street actually that, it was just completed like a month or two ago. The, the units here would be renovated to, like, almost identical standards.

CHAIRMAN E. CONKLIN: And all the other apartments on the second and third floor are existing? You aren't adding bedrooms to them or removing bedrooms? They're, you're just rehabbing them as they stand?

D. RICCIO: Y - yeah, so,

CHAIRMAN E. CONKLIN: Okay.

D. RICCIO: Yeah, exactly, yes.

V. CHAIRMAN P. CAVALLARO: So, the third floor is already 3-bedrooms?

D. RICCIO: The, the third floor has a building permit pulled and it is three, yes, the, that, when I pulled the building permit. It was a 2-bedroom and now it's a 3-bedroom.

V. CHAIRMAN P. CAVALLARO: So, it was a 2 and you're making it a 3.

D. RICCIO: It, yes. But I had pulled that permit like uh, maybe four or five months ago.

CHAIRMAN E. CONKLIN: Okay.

COMM. L. ADANTI: Could you flip down the one with the parking, please?

D. RICCIO: The site plan?

D. RUSSO: It's the other plan, Dan.

COMM. B. VASSER: The square footage seems awfully tight for the amount of rooms you have. I mean, I mean 900 square feet, 3 bedrooms, wow, you know, that's tight.

ATTY. C. RUSSO: So, I mean, um, we did a lot of restructuring like, of the, of the lay – of like the floor plan itself. So, I've found that sometimes, you know, on a 900 square foot place that's laid out, you know, correctly, can feel bigger than an 1,100 square foot place that's a little more chopped up. Um, I've had folks in there, like prospective tenants to look at it. And, you know, no one has said, you know, its, it's tight. I just, you know, I wanted to try to make the best use of the space and some, and a lot of the walls had to be removed due to uh, a tremendous amount of electrical work that needed to be done because the whole house was not to code, which was all updated.

CHAIRMAN E. CONKLIN: All right.

V. CHAIRMAN P. CAVALLARO: What sizes are those parking spaces?

ATTY. C. RUSSO: They are 9 by 18.

D. RICCIO: They're all 9 by 18.

ATTY. C. RUSSO: No, they're 9 by 18.

V. CHAIRMAN P. CAVALLARO: All of them?

ATTY. C. RUSSO: Yeah, that's, that's what Al had told, I spoke with Al Shepherd and so he told me that these were all 9 by 18 compliance spaces.

D. RICCIO: Yeah. They're all compliances spaces.

ATTY. C. RUSSO: It's not indicated here, it's the, he didn't put the dimensioning on the um, write, write dimensionally in here but that's what he,

D. RICCIO: Alan Shepherd did the plan and I'm, I'm sure that he spec'd it out as compliance parking spaces.

COMM. B. VASSER: Now the parking places against the back fence there, they're going to parallel park, right? So,

D. RICCIO: Yes.

COMM. B. VASSER: How do you plan on getting them out of there? There going to parallel park going in the street, but they're going to be backing out onto the street, how they getting out? Are they gonna turn around in there somewhere?

ATTY. C. RUSSO: Well, if, if, if, if these spaces weren't filled they could certainly do that, um, I, I would think depending how they, they pulled into here, uh,

COMM. B. VASSER: Well, they're going to pull in nose first.

ATTY. C. RUSSO: They went here. If they went in nose first and they backed in here, then,

(Multiple voices; unclear)

D. RICCIO: It's possible that those folks might, might back in.

COMM. B. VASSER: Well, either way, it's a, you know,

D. RICCIO: It's, it's not a busy, yeah.

COMM. B. VASSER: It's a little bit of a, you know, problem.

D. RICCIO: You know, it's possible that those folks might back in, um, I do see your point but I, I think it's better than having to park on the street in stacked parking.

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

COMM. J. JONES: What is the hardship here?

ATTY. C. RUSSO: Well, so, this is a pre-existing, non-conforming par - uh, uh, property. It has a, uh, non-conforming use with the commercial kitchen. Um, we are, are proposing to eliminate that non-conforming use and uh, substitute in a use that is uh, you know, it's a residential use, it's more in character with uh, what is in the surrounding neighborhood. Uh, multifamilies are certainly along Fairmont Place. Uh, in addition, we have a, a, a very large non-conformity with regard to parking, um, at zero spaces for 4 units and a, a commercial kitchen. Um, we're going from zero to ten um, which is, which is a, um, a large reduction in a non-conformity. And uh, I think, when you're, when you're reducing a, a non-conformity like that uh, and bringing this property into greater compliance, uh, I think that's grounds for, for, for a variance like this.

V. CHAIRMAN P. CAVALLARO: But it's not a land hardship.

ATTY. C. RUSSO: No, but it's the,

V. CHAIRMAN P. CAVALLARO: You're looking to do something different with the property so that's more of a personal hardship vs. a land hardship. Yes, the land doesn't support what you're trying to do but that doesn't make it a land hardship either.

ATTY. C. RUSSO: Well, we're trying to reduce a, a, a large non-conformity that exists, existing, I mean eliminating a, a non-conforming use in the commercial kitchen which I think is certainly more out of place than a extra den – ex, extra uh, residential dwelling unit um, in and then the, the, the obvious parking um, reduction of a non-conformity.

D. RICCIO: I didn't, what exactly did you mean by a land hardship?

V. CHAIRMAN P. CAVALLARO: Well, in order to come before us it really needs to be a land hardship, like you have a big ledge mountain where you can't move it.

CHAIRMAN E. CONKLIN: No, it can be other hardships besides land.

V. CHAIRMAN P. CAVALLARO: Yeah?

CHAIRMAN E. CONKLIN: Yeah. It can be land.

V. CHAIRMAN P. CAVALLARO: All right.

COMM. B. VASSER: What's plan B, say you don't get the variance, what do you, what, why, why add the fifth one? What's the reason to squeeze them all in there?

D. RICCIO: Um, well, plan B would be to operate the building as it currently stands.

COMM. B. VASSER: With the kitchen, the commercial kitchen?

D. RICCIO: Um, I mean, you'd, you'd have to, I, I, I mean I'd have to you know, kind of take a look at what, what plan B would look like, yeah. But I mean I would just use the property in the, in the use that it's currently, you know, in the condition that it's in.

ATTY. C. RUSSO: And, and, and just,

D. RICCIO: That's the only, you know, plan B that, I have.

ATTY. C. RUSSO: And when, when Mr. Riccio bought the property, I mean, he understood it, it is, it's, it's an existing four-family and, and that, and that's kind of, you know, he bought the property thinking, you know, it's a four-family. But looking to improve this property um, and, and to make it function bit better, um, make it better for, for his tenants because uh, you know, they'd be forced to park in the street, and, and this street has uh, you know, could, has a number of problems with parking on the street. Um, uh, and, um, but also better for the neighborhood cause the neighborhood has to suffer through the parking problem that's on these streets.

D. RICCIO: A lot of, a lot of the neighbors do actually use that space to park. The space that's in front of

ATTY. C. RUSSO: Right, in front of the street.

D. RICCIO: In front of my unit so and the building is barely tenanted as it is. So, as the building, even as a, you know, a four-family with a commercial kitchen gets fully tenanted, that's gonna, you know,

COMM. B. VASSER: Or you could do all that without the fifth, the fifth apartment, that's what I'm trying to get to. You could improve the parking, do all those things without adding a bedroom or apartment.

ATTY. C. RUSSO: I, it, I, I don't, I don't think mister, in order to do, I mean this, this is a lot of improvements to this prop, property. It's installing drainage, it's installing landscaping, it's installing all this parking area. I, I, I don't, I don't think without that extra unit, um, that uh, you know, when he's able it to operate it now existing as a four family (*vet?; unclear*), that that's something he would be uh, that he would be able to do. And, and the other improvements like re-siding which is something that he also has in his plan for the next couple years trying to improve the look of the building, I mean, that's, that's a, that's a lot of uh, a lot of site work.

D. RICCIO: I like to try to make a win, win, you know, it is,

COMM. J. JONES: It sounds like you're trying to make a case for an economic hardship which doesn't exist.

ATTY. C. RUSSO: No, I, I mean the, the hard - the, the, the grounds for approval for the application I believe are for reducing the non-conformities on this site. Um, uh, with, with both respect to the commercial use and the um, and the parking. Which I have done in, in a number of towns in trying to eliminate a non-conforming use like that, to try to eliminate where there's a severe non-conformity, um, with regard to a standard. Um, I've been before a number of ZBAs and gotten approvals just based on um, I just had one, one in Fairfield that was, that was similar to this, um in, in reducing a non - an overall non-conformity on the site to bring it into greater compliance with the regulations.

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: Well, we're adding another non-conformity by squeezing in more units, right? So, we're taking away one throwing in another? I want to make have this right.

D. RICCIO: I think two.

COMM. B. VASSER: Taking away two.

CHAIRMAN E. CONKLIN: Yes.

COMM. B. VASSER: Parking,

CHAIRMAN E. CONKLIN: And commercial kitchen.

COMM. B. VASSER: And commercial kitchen. But we're putting one back in.

D. RICCIO: So, yes, but we're, you know, I think the pros outweigh the cons here, you know, in the sense that yeah, we're reducing two non-conformities but yes, adding one.

ATTY. C. RUSSO: Can I, and I think, you know, (*Papers rustling; inaudible*) ZBA, where, you know, you look at properties on a site by site basis and look at, look at the sit - the current situation that is here on this property. And looking at a site-by-site basis and saying you know,

where on the variances for this particular property um, warranted in what's happening here in the reduction of a non-conformity, warranted for this particular site. It's not like we're a 4-family that has compliant parking um, and is just asking for "Hey, we'll add two more spaces and then we'll go for an extra unit." We have a, we have a, large non-conformity with the parking, large non-conformity with the commercial use so we're, we're asking to, to rectify that situation and improve this site overall, for you to look at this site individually and, and, um, approve it as a reduction in non-conformity.

V. CHAIRMAN P. CAVALLARO: Uh, in, in a sense the adding the extra parking is a non-conformity but he's allowing for the two parking spaces to justify it, so I don't know if that's as much of a non-conformity as we're thinking.

COMM. B. VASSER: Currently, the parking is on the street.

V. CHAIRMAN P. CAVALLARO: Correct.

COMM. B. VASSER: Uh, tell me about the screening on the church side, is that a fence, is there a fence there that's going to remain or is it gonna is it open?

D. RICCIO: So, currently when I purchased the property there was no fence. Um, and, this plan does not show a fence. The, the screening is more for the, the neighb – the, the neighbor across the street. Um, cause the church had, you know, we have the church and then we have a huge parking lot in front of the church and then my property. So, I just, um, it didn't, it didn't seem like it would make sense to screen the parking lot, you know.

COMM. B. VASSER: Right.

V. CHAIRMAN P. CAVALLARO: The fence will kind of prevent the people from wanting to park in there, too, so, it kind of fixes a potential issue.

COMM. B. VASSER: Why are you saying the fence is going away?

D. RICCIO: No, there, there is no, (*Multiple voices, inaudible*). There is no fence.

COMM. B. VASSER: There is no fence.

ATTY. C. RUSSO: There's, there's a fence here.

COMM. B. VASSER: Are you going to put a fence?

ATTY. C. RUSSO: There's a fence here that will remain that protects the uh, the Gutmann property.

COMM. B. VASSER: Uh-huh.

ATTY. C. RUSSO: The residential neighbor.

COMM. B. VASSER: Yeah.

ATTY. C. RUSSO: And then there's nothing right here, right now.

COMM. B. VASSER: There's no plans,

ATTY. C. RUSSO: There's no plantings, there's no, uh,

COMM. B. VASSER: There's no plan to have anything there. So, so Phil they're just, it's the parking lot and then the church – I mean, I know it's a parking lot but it's still a, you know, it's a church. It's a nice, nice church. It would be nice to have something.

V. CHAIRMAN P. CAVALLARO: Well, I'm a, it's a parking lot.

COMM. B. VASSER: Yeah.

CHAIRMAN E. CONKLIN: All right.

ATTY. C. RUSSO: And you know one of the things I like about this plan that we were able to do is locating the two parking spaces behind here. I mean, it really almost looks like you know, and with the screening here, I think the, the look from the road um, won't see a, a big parking area, with the way we were kinda, because if you remember these were stacked spaces and it's, so I mean it was really

COMM. B. VASSER: How much?

ATTY. C. RUSSO: There was a lot of parking on this side and were able to kind of space it out.

COMM. B. VASSER: How much space do you have for those arborvitaes? I mean how much earth do you have? Are they going to stay healthy there? Are they going to grow well?

D. RICCIO: Yeah, so, um, for ten years I ran a landscape design and build firm and yes, they, it's a, it's a small space but emerald green arborvitaes can grow in like a tight spot, They're kind of meant to grow more narrow, whereas like a green giant variety, those will get a lot bigger.

COMM. B. VASSER: Um-hmmm. How tall do they get?

D. RICCIO: Emerald greens typically top out around fifteen feet.

COMM. B. VASSER: Thanks.

CHAIRMAN E. CONKLIN: All right. Okay. Anybody from the audience in favor of this application? Anybody from the audience in favor of this application? Anybody in the audience opposed to this application? All right. Come up to the table, please. Name and address for the record, please.

VIRGINIA HARGER: Virginia Harger of 26 Meadowridge Drive. Um, I'm here, um, as a, uh, former resident of the neighborhood and as a former employee of the church. I was there from 1996 till 2015 and I'm very well acquainted with this particular building. Um, one of the questions that I have is why does the kitchen on the first floor, um, referred to as a commercial kitchen? There was never any catering done out of this particular building. The building had been, uh the first floor had been renovated by the parish's Knights of Columbus organization for meeting space. And as part of the renovations instead of putting in kitchen quality kind of um, cabinets that the, a residential, a regular neighbor would have in home, would have, they chose to put in stainless steel tables and um, they had a large oven. And uh, they had a, a large double sink with uh, stainless steel drain. So, I don't recall that particular renovation as having been something required by Naugatuck Valley Health because it was an organizational one. So, I, I just don't know why it's considered a commercial kitchen just because it may have stainless steel. And it did have big, um, doublewide refrigerators and freezers only because of the capacity that the Knights of Columbus wanted to have for events that they would have there. Um, the Knights when they renovated did remove several um, walls to have a large meeting space. They had a

living room, an area where there was a huge dining room table and a, across the way there was a little den, lounge kind of area. And through the door, that's when you went into the kitchen and past that was the uh, a full bathroom and um, a bedroom. And that particular back area was used by visiting priests when we need – we could not accommodate them in the rectory. And um, the Knights of Columbus did put in during the renovations another um, half bath. It only had a toilet and a sink. One of the concerns I have is um, how what's going to happen for snow removal? Is there a space is there a shelf there for something like that? I don't know. The, um, other thing that it just uh very concerning to me is that I don't feel that this, uh, having five bedrooms, fits in with the character of the neighborhood. There, uh, this is a very old neighborhood. And um, they there are buildings that go back to early 1900s if not before. Where is my list? Did I drop that sheet? And there are only, um,.. thank you, that's it. Um, right across the street, 29 Fairmont Place is the two-family that is um, rigged? by the staircase that goes down to echo house. And that was built in 1905. 20 Fairmont Place is across the street. That's Costco house. The original house was built in 1860. That's a one-family. They put on an addition of, for two-family addition in 1988. That's only two stories. Further down toward, down to the dead-end, 12 Fairmont Place was built in 1920. It's a 3-family. 6 Fairmont Place is further down, that was built in 1920 as well. That's a 3-family. And then the last house was built in 1900 and I believe that was, that's, it's identified as 2 to 4 Fairmont Place and, and the card really wasn't that clear about how many apartments but it, it's at least 3 or 4. So, I just agree with some of the statements that

CHAIRMAN E. CONKLIN: Last I knew that was a 6-apartment.

V. HARGER: Yeah, that's just it, there, it could very well could be.

CHAIRMAN E. CONKLIN: I lived at Fairmont Place when I grew – that's the first apartment I ever rented.

V. HARGER: Good, okay.

CHAIRMAN E. CONKLIN: That was the sixth; that was the sixth-family at the end.

V. HARGER: Yup. Yup. I could see that as being the case. So, um, but I do believe that some of the comments that the members of the Board has talked, mentioned about what is the hardship. It's not a land hardship. It's an economic hardship. Um, squeezing in the, another apartment makes it more non-conforming. Um, so, um and I haven't had a chance to see how the um, parking is, but along the border with the uh, church, prior to the church acquiring this, the uh, there was a chain link fence that was put up and the Pastor at the time had that removed. So, uh, if anything was to happen I think that would be a good move to make on the part of the new owner. So, um,

D. RICCIO: We're certainly open to that, to, to, to you know, installing a fence between the properties and just, you know, because it was a parking lot, to, you know, another parking lot in because of need to cut.

V. CHAIRMAN P. CAVALLARO: Addressing the snow, it looks like there's a space to the right there which kind of looks like an elongated parking space, there's the snow shelf available there and they can also push it on to the grassy areas on both sides of the house. I don't think it's completely out of the question.

V. HARGER: Uh-hmm.

ATTY. C. RUSSO: This is open because the, the porch was removed right here.

CHAIRMAN E. CONKLIN: Yeah, removed.

V. HARGER: Um-hmm.

V. CHAIRMAN P. CAVALLARO: I'm not saying it's the most convenient, but I think there's probably places to store it.

V. HARGER: Um-hmm. Yeah, we'd have to off-load it or something like that.

V. CHAIRMAN P. CAVALLARO: Yeah.

V. HARGER: One of the Board members mentioned about exiting and that is a good point to keep in mind as to whether or not there is enough to back out on the street with the sight line coming from Union Street. There's a little bit of a, a hill there. So, uh, that's all I have to say. I just feel that this is not something that is going to enhance the neighborhood and takes away the character of the neighborhood with putting in another apartment.

CHAIRMAN E. CONKLIN: The off-street parking would not, you don't feel would enhance the, the off-street parking would not enhance,

V. HARGER: Oh, that's definitely an improvement because we always have an issue with the property owner at 51 always parked here. And for traffic to go around but I don't know how you're ever going to remove that particular parking. The well, was not at all interested in parking in the dead end, past the big steps as we referred to them. He was always situating his car here so, and then everybody else filled in.

CHAIRMAN E. CONKLIN: And there's no parking on the opposite side of Fairmont Place due to its,

V. HARGER: No, no.

V. CHAIRMAN P. CAVALLARO: At least he's not adding cars to the street.

V. HARGER: Yeah.

V. CHAIRMAN P. CAVALLARO: In theory.

V. HARGER: Um-hmm. Okay, thank you for your time.

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

V. CHAIRMAN P. CAVALLARO: Thank you.

ATTY. C. RUSSO: Thank you.

CHAIRMAN E. CONKLIN: Anybody else in favor of this application? All right.

ATTY. C. RUSSO: Chairman, I'm, I'm gonna respectfully disagree with, with, with Chairwoman Harger hoping she doesn't take it out on me uh, at the next P&Z hearing. Um, I just want to show you two pictures uh, which I think you, looks like you, you might have from before but just showing, um, that what that looked like on the inside with the sinks, um and

COMM. B. VASSER: Was it permitted as a commercial kitchen?

ATTY. C. RUSSO: What happened at this property for decades was not really papered. It was just, they were allowed to use it. And so,

CHAIRMAN E. CONKLIN: The church.

ATTY. C. RUSSO: A lot of the, and that, and that was part of the issues when we, when we back and researched it. But, that was used, I talked to attorney, I, I, uh, um, was involved in the transaction and Knights of Columbus had been using it up to recently before um, the, the site was transferred and was preparing food for events off site. It, it a commercial kitchen. And then, and then Chairman you, you pointed out the, the house that's at the end of the road, but just, just an overhead view of that street, um, you can see at the end of Fairmont Place which is a number of multifamilies but also that, that, that large six unit that, that's there at the end of the street. So, I do believe that, um, this road this neighborhood. I, I understand about Union Street, certainly um, but, but for along Fairmont Pla - Place there are number of multifamilies including that six-unit at the end. Um, and again, we're addressing what is the, the big issue at this intersection on the street, which is the parking. Um, we can't fix everybody else's but on this site we can, we can improve this property in, in addressing this parking situation. We have the support of our only abutting residential neighbor, um, uh, who, uh, you know, right here, cars will be parking along here and, and we have the petitions for that. So, um, for those reasons, um we respectfully request approval. I don't know Dan, if there's anything that you add to that?

D. RICCIO: Uh, no I, I, um, appreciate what Mrs. Harger had to say. Um, but I do think that this building, you know, uh, you know just kind of being a little tired definitely is in need of some TLC and you know, land, landscape enhancements. And I think that it, it will definitely benefit the neighborhood not only in appearance but in functionality. Um,

COMM. B. VASSER: What is the uh, major issue to put arborvitae on the church side instead of a fence, is that a huge deal?

D. RICCIO: No, no.

COMM. B. VASSER: To cover all of the parking areas.

D. RICCIO: No. Sure. Again, I, I, I coming in here didn't see that as an issue but if that is something that you know obviously more than one person uh, thinks it would benefit, would be beneficial, I would definitely consider that absolutely. I would do it.

COMM. B. VASSER: We could agree to that as a condition of approval.

CHAIRMAN E. CONKLIN: Okay. Any other questions from the Board? All right. Being none, I declare this hearing closed. We are going to need those newer maps, full size.

D. RICCIO: Okay.

ATTY. C. RUSSO: (*Papers rustling; unclear*) I submitted it to,

- - -

Later that evening, during the working session the Board voted 3 in favor/2 not in favor to approve the application for:

- 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.

* This variance request was eliminated in the revised application presented on January 15, 2019, since all stacked parking was removed from the plan.

Reasons for Denial:

1. The Board identified the hardship as economic and found that no hardship within the purpose and intent of the zoning regulations was demonstrated.
2. The developer was aware that the property was a four-family (not a five-family) residence at the time of purchase.
3. Testimony regarding the nature and use of the kitchen was inconsistent and unclear.
4. The area designated for ten parking spaces was too small and created a safety hazard for residents entering and exiting the property.

- - -
COMM. J. JONES: #0119-01 62 Congress Avenue, Caroline Ferreira Dos Santos of 62 Congress Avenue, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side line from 8 ft. to 4 ft. in order to add an enclosed entryway on the side of the house measuring 4 ft. x 12 ft. in an R-4 zone.

NOTE FROM CLERK: DUE TO A HEAVY ACCENT, CAROLINE FERREIRA DOS SANTOS' REMARKS WERE DIFFICULT TO UNDERSTAND AND TRANSCRIBE FROM THE RECORDINGS. AS A RESULT, AT TIMES THE TRANSCRIPTION OF HER COMMENTS MAY NOT BE COMPLETELY ACCURATE.

CHAIRMAN E. CONKLIN: Let's see. Atty. Russo, that, we're going to need that, that drawing, okay?

ATTY. C. RUSSO: Thanks.

CHAIRMAN E. CONKLIN: Thank you. Have a seat please. Name and address for the record.

UNKNOWN VOICE: 62 Congress Avenue, Shelton.

CHAIRMAN E. CONKLIN: Name?

CAROLINE: Caroline.

CLERK T. KELLY: Caroline?

CAROLINE DOS SANTOS: Caroline dos Santos.

CLERK T. KELLY: Okay.

CHAIRMAN E. CONKLIN: Okay. Do you have (*Loud papers rustling; inaudible*). We need more; you have more pictures, okay.

CLERK T. KELLY: (*Whispering*) Yeah. Yeah. Yeah. Thanks. I got it. I got it.

CHAIRMAN E. CONKLIN: Okay, tell us what you're trying to do and why you can't meet the zoning regulations?

C. DOS SANTOS: Um, I need a side entrance to the house because when I bought the property the map showed me this, that's what the seller show me. But when I came to the town because I wanna close on the side of the driveway and build the house because I have a dog and a kid. They go out from the basement door. Uh, (*Loud papers rustling; inaudible*) you see the, she gave this place for the other house next store should have a driveway. In this area here.

CHAIRMAN E. CONKLIN: Yes. They have a, I saw the driveway.

C. DOS SANTOS: And, and so I, and when my daughter and my dog go out,

CHAIRMAN E. CONKLIN: Your, your driveway though is on their property, this side.

C. DOS SANTOS: No, it was, eh, they make a line you see on my property? The driveway is my property. So, my door is right here. So, it's right to my door. Should be basement, one door. And one side of the basement. So, I had to make another, another, um, to go out the other side. And this one is and just poses a problem because it's four feet and just off, from the other, the fence of the other house. And, supposed to be eight feet.

COMM. J. JONES: Has this already been built?

C. DOS SANTOS: Uh-hmm.

CHAIRMAN E. CONKLIN: So, you're asking for a variance though from the correct property line or from the easement property line?

C. DOS SANTOS: This, I came here to the town to ask about that because I want to go out from this, eh,

CHAIRMAN E. CONKLIN: This little spot here is what you're adding?

C. DOS SANTOS: No. I add the other side because it came in here.

CHAIRMAN E. CONKLIN: This, right. Okay.

C. DOS SANTOS: Yeah. And they told me that they have the right to choose - the driveway. And I, I told them with have a problem with the neighbor because he was complaining. And I was worried too because they have a 3-family.

CHAIRMAN E. CONKLIN: Yeah.

C. DOS SANTOS: They have cars going out all the time and I have a dog and a daughter. She's ten years old. So, they play,

CHAIRMAN E. CONKLIN: Okay.

C. DOS SANTOS: All the time so I figure they go out this side they can go out here, they go to the backyard, you know. And, this entrance stops the water to come in. That's why we need that.

CHAIRMAN E. CONKLIN: So, their driveway is actually on your property?

C. DOS SANTOS: Yeah. Exactly.

CHAIRMAN E. CONKLIN: On this side.

C. DOS SANTOS: And I reached the town and the town told me they have the right for some reason, to, it's not they, but they made, they made a commitment to the town that they could have there.

CHAIRMAN E. CONKLIN: Right. They, somehow there was a deed on your property giving them an easement.

C. DOS SANTOS: Yeah. I didn't know that when I bought the house.

CHAIRMAN E. CONKLIN: Giving you the right to use, the right to use the property.

C. DOS SANTOS: Yeah.

CHAIRMAN E. CONKLIN: Your lawyer didn't see that when they sold you the property?

C. DOS SANTOS: They just gave that; you know what I'm saying bought the property. Like, I have the, they, I see more they the guys told me, you have four feet from the door, the original door. But I don't have four feet. Is immediately on the driveway, on the,

CHAIRMAN E. CONKLIN: Yeah.

C. DOS SANTOS: When I get out.

CHAIRMAN E. CONKLIN: Get some pictures down there. Was there a door here before?

C. DOS SANTOS: No.

CHAIRMAN E. CONKLIN: There was no door here before. And that's the other side of the house, this is the backside, and that's the porch on this side.

C. DOS SANTOS: Yeah, exactly. You see,

CHAIRMAN E. CONKLIN: And that's the porch on that side.

C. DOS SANTOS: That's the driveway immediately outside. So, if he, I have my dog coming out or my daughter, it's immediately in the driveway.

CHAIRMAN E. CONKLIN: You're right in that driveway.

C. DOS SANTOS: Yes. It's immediately there. You know, the, the cars go all day.

CHAIRMAN E. CONKLIN: And what's on, is there any driveway on this side where you put that door?

C. DOS SANTOS: No.

CHAIRMAN E. CONKLIN: It's just yard.

C. DOS SANTOS: Yeah.

CHAIRMAN E. CONKLIN: All right. All right. Questions?

COMM. B. VASSER: This goes here.

(Papers rustling; whispering; inaudible)

V. CHAIRMAN P. CAVALLARO: Did you have a permit to build that?

C. DOS SANTOS: No.

V. CHAIRMAN P. CAVALLARO: No? Did you get one yet?

C. DOS SANTOS: No.

(Whispering; inaudible)

CHAIRMAN E. CONKLIN: Questions? Okay. Linda, Phil, any questions?

V. CHAIRMAN P. CAVALLARO: No.

COMM. L. ADANTI: No. I don't think so.

CHAIRMAN E. CONKLIN: All right. Anybody in favor of this application? Anybody in favor of this application? Anybody opposed to this application? Come up to the table, please. Give your name and address for the record.

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

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

V. HARGER: Virginia Harger, 26 Meadowridge Drive. Um, I am here tonight opposing this h - it happens that this particular property, 62 Congress Avenue, is right next door to the house I grew up in. And, um, my mother passed away last January, tomorrow will be her one year anniversary by coincidence and um, this is a Google map picture. The house I grew up in is the red brick house. And the um, property, the uh, white house at 62 Congress Avenue was built in 1961. The property owner was uh, Henry Bondos and he and his wife and two daughters lived in the two, three-family home on the left side on the second floor. And, I uh, hung around with uh, one of the daughters, so I uh, know this property quite well. So, this is a picture of what the property looked like at the time of purchase. And, last summer, um, since the house has been vacant for well over five years now, I would stop by periodically to check on the condition of the home. And uh, last summer, pulled into the driveway and walked up the uh, stairs and on the uh, left side of my parents house and as I walked down I came across this as being on the side of the house. And you could see the stockade fence is there and uh, there's, the second and third pages also show a picture of it close up. And the last page shows a picture of it from my parents' back porch. And, to tell you the truth,

CHAIRMAN E. CONKLIN: This is the side you walk alongside your parents' house?

V. HARGER: Yes. Yeah.

CHAIRMAN E. CONKLIN: What's the distance from your parents' house to that fence?

V. HARGER: Well, if you look at the last page, I think it's, I guess, I, I'm, I'd have to guesstimate.

CHAIRMAN E. CONKLIN: I'm just trying to look; it looks like it's about 4 feet.

V. HARGER: Oh yeah. It's very narrow on the front. Yes.

CHAIRMAN E. CONKLIN: So, that's 4 feet there, also.

V. HARGER: Yup. Yeah, and so you could see how close the uh, exterior, so, I immediately went up to City Hall and spoke to um, Mr. Schultz as to whether or not any permits were had been taken out for this. And he said no, absolutely not. And he sent the Zoning Enforcement Officer down to check on it. And, um, on our, August 21st Staff Report under Item 5B, 62

Congress Avenue was on the Zoning Enforcement Program as being high priority. Uh, the homeowner was contacted; an addition was built without permit and violation of setback. So, um, I am here tonight to uh, ask the Board to do something to remedy this. As far as I I'm concerned, this particular piece of property has been converted into a 2-family home without appropriate approvals. I have no problem with a 2-family home existing on this particular property. However, if this is the access to the lower level which, where there is a kitchen facility, that was the Bondos' rec. room. And if you look on, Google 62 Congress Avenue and you look at the pictures of the property and the interior shots when it was listed, you'll see that there is a stove, refrigerator, kitchen. I went through the property myself when there was an estate sale and uh, saw how the downstairs. So, this indeed, is now a 2-family house and that creates another problem. So, I feel that the, um, homeowners should of course have gone to the city and gotten the proper permits. This is the side of the house where, um, when you go up the driveway to the left, you'll see that there's a Bilco door. The, um, this particular section is where the uh, side entrance is, and uh, perhaps some homeowner um, I don't know if it was investigated as to whether or not it has access to it here. The only remedy would be to do something with the front, garage doors, and maybe that section, between the two doors, change, make that a doorway there. Between the two garage doors. But this, to tell you the truth, the, my parents' home is not going to be in our family. I think this is going to be a real; it now has created an eyesore for us, for any potential homeowners that may be interested. Because this is so close to the property line and it's very unsightly and I think was very poorly done.

CHAIRMAN E. CONKLIN: Well, you're admitting is just as close as your prop - your property; your house is to that property.

V. HARGER: Um, now, the, the, driveway, I mean the sidewalk up to the side, is probably two/three pavers wide and then it goes around to a rear patio. And, that, because, if you look at the picture of my parents' house, this is a, um, an addition that was built over a garage and it's a front bedroom and a rear bedroom. So, when you go up the left side of my parents' house, you have to go, cut all the way, you've got several steps before you hit the back porch. You know,

CHAIRMAN E. CONKLIN: I'm just talking about the distance from the side of this building to the,

V. CHAIRMAN P. CAVALLARO: Property line.

CHAIRMAN E. CONKLIN: Property line.

V. HARGER: Oh, yeah.

CHAIRMAN E. CONKLIN: That's 4; it looks like that's 4 feet.

V. HARGER: Yeah. With the 62 Congress Avenue.

CHAIRMAN E. CONKLIN: Okay.

V. HARGER: This was uh, that addition was put in, 1958. When I was going into first grade. And, um, the house was put in three years later. They had gotten some kind of variance, I guess, so. So, but be that as it may, this is uh, the issues I have with it. I was, the Planning and Zoning Administrator was notified. And uh, just, if they want to have a 2-family home then people need to relocate the entrance so that it is not like that.

V. CHAIRMAN P. CAVALLARO: So, when did that become a 2-family home?

C. DOS SANTOS: It's not a 2-family home. When someone complained about that, I came into the town and I told them my sister lived there. I go to work at four in the morning so my sister lived to me. And she have her space downstairs. I told the guy, I asked him do I need to ask formally for that. He said if is your family don't need to ask for. She have, have, have fiancé. She's going to get married but she have her own space, have privacy. She watched my daughter and my doggy. So, if she don't want to go out she have, she have access to my house but she have her privacy there. There's one more, more reason why I want my daughter to be free, without to call me or she have to go upstairs without me being there.

CHAIRMAN E. CONKLIN: Is there a second? One when that goes upstairs, there's an access?

C. DOS SANTOS: Yeah, yeah.

CHAIRMAN E. CONKLIN: Yeah, okay.

C. DOS SANTOS: It's the, it's the same house.

CHAIRMAN E. CONKLIN: That creates the second access from the basement.

C. DOS SANTOS: Yeah. And,

COMM. B. VASSER: So, um, sorry. The, the house you grew up in.

V. HARGER: Uh-hmm.

COMM. B. VASSER: Is how close to the property line on that side?

V. HARGER: Um, that's a, as I said, the if you go up the side stairs and probably two or three pavers

COMM. B. VASSER: Okay, so,

V. HARGER: So, it's 2 to 3 feet.

COMM. B. VASSER: Okay.

V. HARGER: Yeah.

V. CHAIRMAN P. CAVALLARO: So, you're closer to the property line than the space that is being created by this little bump-out that's on the house now.

V. HARGER: Uh, not necessarily.

V. CHAIRMAN P. CAVALLARO: No?

V. HARGER: It's about, from the bump-out, I think it's about a distance of 10 –

COMM. B. VASSER: Well, if they're equal then that's, really isn't the issue, right? Just so what, just listing, what, what are the issues, the way that it's built? That's an issue?

V. HARGER: The first issue is that it was done without any permitting and there's reason for permitting to make sure that it adheres to fire codes and to uh, setbacks and,

COMM. B. VASSER: You're right.

V. HARGER: And that's not the case.

COMM. B. VASSER: She, but they're here now to get the variance to go through the permit process.

V. HARGER: Yeah, and that's way after the fact.

COMM. B. VASSER: It is. You're right.

V. HARGER: Yeah.

COMM. B. VASSER: I'm not saying it's right. I'm just saying here we are.

V. HARGER: Yeah.

COMM. B. VASSER: Um,

V. HARGER: And it is unsightly, for sure.

COMM. B. VASSER: Okay.

V. HARGER: I think there's, um, uh, would have been a better location for it. Um, I just don't see this as something that uh, the city would have permitted if the permit process had been used.

COMM. B. VASSER: Well, she would have had to get a variance anyway for the setback, right?

V. HARGER: Yeah. Um-hmm.

CHAIRMAN E. CONKLIN: Okay. Anything else?

V. HARGER: I think that's it.

CHAIRMAN E. CONKLIN: Okay.

V. HARGER: Thank you.

CHAIRMAN E. CONKLIN: Thank you. Uh, anybody else opposed? Anybody else opposed? Any further questions from the Board? All right. Being none, I declare this hearing closed. Thank you.

C. DOS SANTOS: Thank you.

- - -

Later that evening, upon motion made by Commissioner Jones and seconded by Commissioner Vasser, the Board unanimously voted to approve the variance. "In the application by Caroline Ferreira Dos Santos of 62 Congress Avenue, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side line from 8 ft. to 4 ft. in order to add an enclosed entryway on the side of the house measuring 4 ft. x 12 ft.,

the application for a variance is approved.

Inasmuch as there is no other location on the property for the entryway and the home is 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, Schedule B, Line 9 to reduce the minimum setback from the left side line from 8 ft. to 4 ft. in order to add an enclosed entryway on the side of the house measuring 4 ft. x 12 ft.

This certificate is contingent upon the following stipulations: The applicant must obtain the proper permits from the City of Shelton Building Department. The outside materials and finishes of the

addition shall be consistent with the existing structure. If the house is being converted into a 2 family house, all proper departments shall be notified and inspections obtained.

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: #0119-02 415 River Road, Michael Ballaro & Son, LLC of 201 Buckingham Avenue, Milford, CT, 06460 for the following 2 variances: 1) Variance to Schedule B, Line 7 to reduce the minimum setback from the front street line from 40 ft. to 32 ft.; 2) Variance to Schedule B, Line 8 to reduce the minimum setback from the rear property line from 40 ft. to 20 ft. in order to build a 2 story, building addition of 607 sq. ft. per floor in a CA-2 zone.

JIM SWIFT: Uh, good evening. My name is Jim Swift, engineer for the applicant and Mike Ballaro, the property owner.

MIKE BALLARO: Mike Ballaro of 14 Boehm Circle in Shelton is where I live.

CHAIRMAN E. CONKLIN: Okay.

J. SWIFT: And the photographs,

CLERK T. KELLY: How do spell that, please?

J. SWIFT: And uh,

M. BALLARO: My name?

CLERK T. KELLY: Boehm?

M. BALLARO: Boehm. B-o-e-h-m.

(Papers rustling; voices talking over each other)

CLERK T. KELLY: Thank you. Thank you.

M. BALLARO: You're welcome.

J. SWIFT: And I have the aerial and assessor's plans.

CHAIRMAN E. CONKLIN: You were, been here before for the property next door.

J. SWIFT: Correct.

M. BALLARO: Correct.

CHAIRMAN E. CONKLIN: A couple of years ago.

J. SWIFT: Yes. We are building an empire down here.

CHAIRMAN E. CONKLIN: All right.

J. SWIFT: Let me turn this around so, uh, as mentioned, Mr. Ballaro did receive uh, some variances to build on this very, very small property in the corner, which is, which is kind of

squeezed in right in that location. Uh, and he since purchased the property next door. And what I'm going to point out on the assessor's map is that we've also done some room swaps. At the time when Mr. Ballaro did this development his property ownership extended all the way back to, to the adjoiners to the rear. And they had a pool and a patio and some other things that were actually encroaching on our property. So, what, so what Mike did is he just did some land swaps and reconfigured property so that the property that used to look like this, now looks like this. It had no effect on the requirement or the desirability of variances or anything like that. Uh, the variances would still remain the same no matter what we, we, we've done here.

CHAIRMAN E. CONKLIN: You took some, so you took some of your own property from the other –

J. SWIFT: He gave property, yeah he gave

M. BALLARO: I gave him some property so he didn't have to take his pool and patio out! Then, we gave me some property here so that he had the square footage here.

J. SWIFT: Right.

M. BALLARO: From here.

J. SWIFT: Right.

CHAIRMAN E. CONKLIN: Right.

J. SWIFT: So, the only reason I bring it up is, is, is, so that, uh, Mr. Ballaro has, has, been,

CHAIRMAN E. CONKLIN: But, but going back for a question, that did not affect the variances you got on this property.

M. BALLARO: No.

J. SWIFT: It, it did not.

CHAIRMAN E. CONKLIN: It didn't redu - okay,

J. SWIFT: It did not.

CHAIRMAN E. CONKLIN: Reduce any square footage or any of the,

J. SWIFT: No.

CHAIRMAN E. CONKLIN: Okay.

J. SWIFT: No. So, um, so now we have an existing building. This is where the old, uh, uh deli was. Uh, and, on the second floor we had, we have an apartment. Uh, and now it has some changes in the zoning regulations that enable us um, to put a, a building addition on and put a second uh apartment over that. Both of those are allowed by the zoning regulations for the mixed use in this particular zone. We may be in agreement with ourselves if you will, so that we could reduce the side setbacks in accordance with the zoning regulations. So, we're fine on the setbacks on the side in accordance with the regulations but we have existing non-conformances both on the front and on the rear. And that's for the existing building. So, we did get an opinion that even though we have existing non-conformances of both those lines, since we are putting an addition on we should also get a variance for the proposed addition as well.

CHAIRMAN E. CONKLIN: Yes.

J. SWIFT: So, we have plenty of parking uh, we're not proposing they change any of the parking lot, other than to make sure that we have a handicap parking space, uh, that is more conforming. We did have an old handicap parking space but it didn't conform to the building code. So, now we'll have a handicap parking space that, that conforms to the building code.

M. BALLARO: It will all be new.

J. SWIFT: And I think, uh, Mr. Ballaro has a letter from, from his adjoiner.

M. BALLARO: The, the only other person here besides myself that (*Multiple voices; unclear*) is Mr. Maged Obied who bought the uh, 425 and now moved Piccolo's Deli into 425. He's actually the guy I bought this lot from.

CHAIRMAN E. CONKLIN: Okay.

M. BALLARO: This prop, this build, the old building from. So, here's his letter, he,

CHAIRMAN E. CONKLIN: So, he moved his, his business next door?

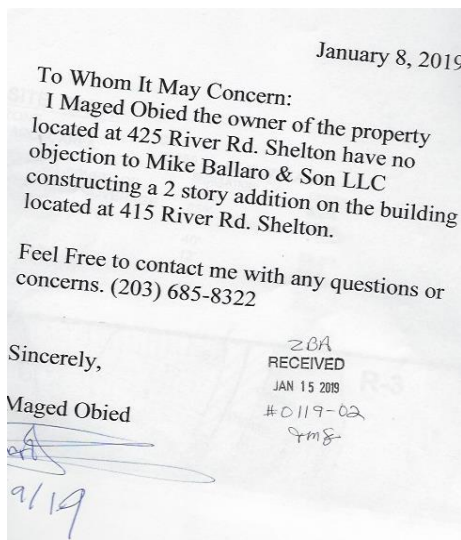
M. BALLARO: He did. (*Laughing*)

J. Swift: Yeah.

CHAIRMAN E. CONKLIN: Okay. Okay. Can you read that?

J. SWIFT: If the Board have any questions, we,

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



CHAIRMAN E. CONKLIN: Can you move that to there? Okay. Thank you. All right. Questions?

COMM. B. VASSER: There's no issue with the side setback?

J. SWIFT: No.

M. BALLARO: No.

J. SWIFT: There's, there's a provision in the zoning regulations that by mutual agreement of two adjoining property owners that the uh, side setback can be reduced by half which in this case would be 6 feet. So, we have filed on the land records that agreement. Uh, this is actually a deck so that, that setback is measured to the deck. This setback is measured to the building. It's in conformance with the building.

COMM. B. VASSER: These are in agreement with one another?

J. SWIFT: We made an agreement with ourself - the same owner. Yeah.

CHAIRMAN E. CONKLIN: An easy grant.

J. SWIFT: And, and mostly it's because,

COMM. B. VASSER: How did that go? Was it?

M. BALLARO: It was pretty easy!

J. SWIFT: (*Laughing*) But, and we did that obviously because they're financed differently so we have to keep the lots in different, different ownerships.

M. BALLARO: Basically, complete redoing this building. Everything new. Top to bottom. And then this is what we want to do.

CHAIRMAN E. CONKLIN: Is that going to be considered a separate building, or?

M. BALLARO: No, No, it's,

J. SWIFT: An addition to this building.

CHAIRMAN E. CONKLIN: Okay.

M. BALLARO: Yeah.

CHAIRMAN E. CONKLIN: So, it's one storefront on the bottom or two?

M. BALLARO: No, two for, two storefronts.

CHAIRMAN E. CONKLIN: Okay.

M. BALLARO: And then it'll be two apartments upstairs. There's already one and one.

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: And it's consistent siding all the way across? New siding or something to finish –

J. SWIFT: Yeah, yeah, we have,

COMM. B. VASSER: It's not going to look like two buildings put together?

M. BALLARO: No, it's gonna be real nice. Granite trim, stucco on the front, new vinyl siding above, new windows, new roof, everything new.

CHAIRMAN E. CONKLIN: Okay.

J. SWIFT: Yeah, Mr. Panico, the city, the town planner was concerned about the aesthetic of it,

COMM. B. VASSER: Sure.

J. SWIFT: So, we drew it up,

COMM. B. VASSER: Okay.

M. BALLARO: Take care of that.

COMM. B. VASSER: Yeah.

J. SWIFT: Yeah. Already showed it to him.

COMM. B. VASSER: Uh-huh.

CHAIRMAN E. CONKLIN: Okay.

V. CHAIRMAN P. CAVALLARO: There's an existing hip roof on that building, right?

M. BALLARO: Yeah.

V. CHAIRMAN P. CAVALLARO: You're gonna extend the hip, so it's,

M. BALLARO: No, I'm way lower. The hip is way, way up in the air. There's like two to three feet of dead space in the center of the building for some reason. It's an old building.

J. SWIFT: Right.

M. BALLARO: So, you got a 9-foot store, then 2 to 3 feet of dead space. I think it was a roof and then they put the second floor on it and just built up higher above the roof,

J. SWIFT: Yeah, it's pretty weird.

M. BALLARO: It is what it is. I don't know why! (*Laughing*)

V. CHAIRMAN P. CAVALLARO: (*Loft? - unclear*) one floor down.

M. BALLARO: But, I don't have to touch that hip roof so it's good, really because that thing's beautiful, it's gonna be when I get it all wrapped with aluminum. (*Laughing*)

J. SWIFT: Correct me if I'm wrong, Mike. That, that hip just keeps -

M. BALLARO: No, the hip goes in this, no, no, no.

J. SWIFT: Keeps extending out.

M. BALLARO: No, the hip is what it is and this shed roof ties into the side of the building just below it.

V. CHAIRMAN P. CAVALLARO: So, the new building going to have a shed or the addition's going to have a shed roof?

M. BALLARO: Yeah, okay. Below the hip roof, okay.

CHAIRMAN E. CONKLIN: Any other questions, okay. All right. Anybody, any opposed to this application? Or, or is anybody in favor of this application, first? Anybody in favor? Anybody opposed to this application? All right. I declare this hearing closed.

J. SWIFT: Thank you very much.

M. BALLARO: Thank you.

CHAIRMAN E. CONKLIN: That's yours.

J. SWIFT: Okay.

- - -

Later that evening, upon motion made by Vice-Chairman Cavallaro and seconded by Commissioner Adanti, the Board unanimously voted to approve the variances. "In the application by Michael Ballaro & Son, LLC of 201 Buckingham Avenue, Milford, CT, 06460 for the property at 415 River Road for the following 2 variances: 1) Variance to Schedule B, Line 7 to reduce the minimum setback from the front street line from 40 ft. to 32 ft.; 2) Variance to Schedule B, Line 8 to reduce the minimum setback from the rear property line from 40 ft. to 20 ft. in order to build a 2 story, building addition of 607 sq. ft. per floor in a CA-2 zone,

the application for the variances is approved.

Inasmuch as the pre-existing, non-conformity on the property will not increase.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of two variances as follows: 1) Variance to Schedule B, Line 7 to reduce the minimum setback from the front street line from 40 ft. to 32 ft.; 2) Variance to Schedule B, Line 8 to reduce the minimum setback from the rear property line from 40 ft. to 20 ft. in order to build a 2 story, building addition of 607 sq. ft. per floor.

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:

#0119-03, 04, and 05: #0119-03 9 Orowoc Trail, Map 21-C Lot 100; #0119-04 11 Orowoc Trail, Map 21-C Lot 99; and #0119-05 15 Orowoc Trail, Map 21-C Lot 16, J&N Enterprises, Inc. of 18 Squire Lane, Monroe, CT, 06468 for a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property lines of each property from 30 ft. to 18 ft. in order to build a 12 ft. x 14 ft. deck in the rear of each home in an R-3 zone.

CHAIRMAN E. CONKLIN: Okay.

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

LARRY ELLIS: Larry Ellis. 23 Macintosh Drive, Oxford, CT.

CHAIRMAN E. CONKLIN: Okay. You have receipts for us?

L. ELLIS: I have the receipts. I have one return. And I have the pictures.

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: I also have two letters from two adjoining property owners.

CHAIRMAN E. CONKLIN: Go ahead.

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

January 10 2019

TO: City of Shelton
Zoning Board of Appeals

We have no objections to granting a variance at 9, 11 and 15 Orowoc Trail Shelton for 12 by 14 foot deck.

Richard J. Goessinger
Richard Goessinger
115 Winibig Trail
Shelton, CT 06484

ZBA
RECEIVED
JAN 15 2019
#0119-03, 04, 05
gms

January 10 2019

TO: City of Shelton
Zoning Board of Appeals

We have no objections to granting a variance at 9, 11 and 15 Orowoc Trail Shelton for 12 by 14 foot deck.

Gary DeFilippo
Gary DeFilippo
43 Perch Rd.
Shelton, CT 06484

ZBA
RECEIVED
JAN 15 2019
#0119-03, 04, 05
gms

CHAIRMAN E. CONKLIN: Is he the neighbor on one side of this or something?

L. ELLIS: He owns property next door, yeah.

CHAIRMAN E. CONKLIN: Okay. A question for you in looking at this. Is this already subdivided? Is, that's this property here.

L. ELLIS: Yes.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: Yeah, it's all permitted. We already have the permits.

CHAIRMAN E. CONKLIN: Yeah, here, okay. Where,

L. ELLIS: Yeah.

CHAIRMAN E. CONKLIN: You're coming through, I just, all the things that you,

(Voices talking over each other; unclear)

L. ELLIS: Yeah, there was a house there.

CHAIRMAN E. CONKLIN: One, one block.

L. ELLIS: That house is gone ten years ago.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: It was a house. It burned down.

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: They tore it down, I don't know, eight years ago. They never took it off the assessor's map.

CHAIRMAN E. CONKLIN: This property has been subdivided.

L. ELLIS: Well, it's, was always, it was just put back the way it was, fifty full lots. This guy had combined them.

CHAIRMAN E. CONKLIN: But once you combine them, it's one lot.

L. ELLIS: That's not the zoning's position. He didn't legally combine them, combine them or

CHAIRMAN E. CONKLIN: What's that? Was it one deed?

L. ELLIS: Yeah. One deed.

CHAIRMAN E. CONKLIN: Because one deed is one lot.

L. ELLIS: With five, four, eight lots on it actually.

CHAIRMAN E. CONKLIN: On the deed itself?

L. ELLIS: Yes.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: Yes, so he just, he put it back the way it was. It's a common,

CHAIRMAN E. CONKLIN: There's one deed -

L. ELLIS: In the R-5s.

CHAIRMAN E. CONKLIN: Specifying five to eight different lots.

L. ELLIS: Yeah, uh, I don't know if I have a copy of that deed.

CHAIRMAN E. CONKLIN: That's why I wanted to make sure it just wasn't a deed that

L. ELLIS: No.

CHAIRMAN E. CONKLIN: Specified this.

L. ELLIS: And I don't know if I have a copy of that. The map yeah, we've, we would go through it with Rick and at the time, Rick. And, uh, yeah, we have,

CHAIRMAN E. CONKLIN: We have had problems up in that area where some people combined the lots because of a lot,

(Multiple voices; unclear)

L. ELLIS: Yeah, no,

CHAIRMAN E. CONKLIN: Can't sub, sub, and re-sub the lot.

L. ELLIS: So, this house is way over here. It's 150-foot and they just put it back, I mean there's two of them, 14, 16,

CHAIRMAN E. CONKLIN: Do you have a tax record on the, on these lots, on that lot, these lots?

L. ELLIS: A tax bill?

V. CHAIRMAN P. CAVALLARO: A tax bill's deed, yeah.

L. ELLIS: We didn't get 'em yet. We just bought it six months ago. So, they're paying it at the closing, we'll probably get it in January, we'll probably get it now.

CHAIRMAN E. CONKLIN: All right. Why don't you give the presentation? I do have a question. I want to verify, I want to make sure that these were separately taxed lots. Or somehow, uh, otherwise it becomes lots that are too small and you need other variances. So, I'm going to verify, make sure that we have our ducks in a row here for these.

L. ELLIS: Well, these all have permits.

CHAIRMAN E. CONKLIN: Yeah, I know.

L. ELLIS: And foundations are in. And so I don't understand that.

CHAIRMAN E. CONKLIN: Well, many years ago, I know we ran into a problem when Jerry was Chairman. Where, the, the lots, someone came in like this and they weren't actually real lots. He subdivided them into lots that matched all the others and they wound up needing other variances because of that.

L. ELLIS: Well, no, that's why, we're, no they meet all of the variances.

CHAIRMAN E. CONKLIN: Well I, that's why,

L. ELLIS: Or not the variance, excuse me. All the,

CHAIRMAN E. CONKLIN: Setbacks.

L. ELLIS: Setbacks.

CHAIRMAN E. CONKLIN: Right.

L. ELLIS: They meet all the setbacks. The R-3 setbacks except for that.

CHAIRMAN E. CONKLIN: Okay, they meet all the R-3 setbacks?

L. ELLIS: All the R-3, yes.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: That they are,

CHAIRMAN E. CONKLIN: Those in,

L. ELLIS: Correct.

CHAIRMAN E. CONKLIN: Pine Rock Park.

L. ELLIS: Correct. That's the reason I'm actually here for the hardship for the deck.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: Cause there's not enough, because they do R-5 is 25-foot setback from the back. R-3 is 30.

CHAIRMAN E. CONKLIN: Yeah.

L. ELLIS: So, you're losing the 10 feet and with a 32, 36-foot wide, uh,

CHAIRMAN E. CONKLIN: This is Pine Rock, Pine Rock Park, where,

L. ELLIS: You can't, you can't get uh, you could get a 2-foot deck or a 3-foot deck.

CHAIRMAN E. CONKLIN: Yeah.

L. ELLIS: So, yeah they meet all the uh,

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: Actually, there's copies of them in there. Of the site plans, they meet all the,

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: R-3 setbacks. That's why uh, Mr. Dingle approved them and Rick, Rick went over this too.

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: Back in April. So, the basic,

CHAIRMAN E. CONKLIN: I, I'm just going by a problem we ran into many, many,

L. ELLIS: I know.

CHAIRMAN E. CONKLIN: Years ago in Pine Rock Park, with this type of,

L. ELLIS: And, and don't, have, I'm not, I don't know what the exact, I don't think the problem, problem was the same or what, the situation was the same. But, I mean I got the deeds. I've done this before with the town and with the uh, and they have a sheet, and they have a sheet and you got to fill out, you gotta,

CHAIRMAN E. CONKLIN: Oh, yeah.

L. ELLIS: Get all that information, the deeds, the history, this and that,

CHAIRMAN E. CONKLIN: Yeah.

L. ELLIS: And, and as long as they prove, they check it all and they say okay, there are, there, there was orig – cause it's, these were originally 25-foot lots back in 1920.

CHAIRMAN E. CONKLIN: Right.

L. ELLIS: Somewhere along,

CHAIRMAN E. CONKLIN: Ten, ten, they were ten.

L. ELLIS: Yes, somewhere along the line the city said we'll recognize two of them.

CHAIRMAN E. CONKLIN: Yeah.

L. ELLIS: So, there were six, 25-foot lots here, so,

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: Uh and,

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: So,

CHAIRMAN E. CONKLIN: So, long as you put that down as your testimony, okay?

L. ELLIS: Yeah. So, the lots are 50 foot by 100, uh the house is 36-foot deep, 25 and twen – uh, 30 and 30 and 36 gives me 4 feet left for a deck off the back of the house.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: So, it's uh, we're requesting a, a, the same waiver on all of them. Uh, for a 12-foot deck. No bigger than 12-foot out by 14-foot wide. The hardship being it's, there are 5 lots in an R-3 zone and you can't, I can't build anything more than a 4-foot deck.

CHAIRMAN E. CONKLIN: Okay. Okay. All the lots are really the same so, (*Papers rustling loudly, inaudible*)

L. ELLIS: Yeah,

CHAIRMAN E. CONKLIN: The same. The street, you've kept the street property line and your setback from the street line just,

L. ELLIS: Yeah, this actually, I mean, this, this is, that's from the town, city.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: From the assessor's office.

CHAIRMAN E. CONKLIN: Okay. That's what I wanted to see.

L. ELLIS: That's from that.

CHAIRMAN E. CONKLIN: Okay. Can I take this?

L. ELLIS: Yeah.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: You could take anything you want.

CHAIRMAN E. CONKLIN: Yeah. Well, these are drawn in though.

L. ELLIS: Yeah, but that, I got that from them. That's because we, it was like this and then we go and you do this and then that all goes to them and that have to separate them out.

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: Properly.

CHAIRMAN E. CONKLIN: All right.

L. ELLIS: I didn't draw that.

CHAIRMAN E. CONKLIN: You didn't draw that?

L. ELLIS: I did not draw that. Did not highlight it.

CHAIRMAN E. CONKLIN: *(Laughing)* Okay. Questions from the Board?

L. ELLIS: You can tell it's too neat!

CHAIRMAN E. CONKLIN: Where's the pictures? Okay. These are the houses that will be behind?

L. ELLIS: Yeah, I wrote it on the back.

CHAIRMAN E. CONKLIN: The back?

L. ELLIS: So, that's the back of, rear of 9,

CHAIRMAN E. CONKLIN: Okay.

L. ELLIS: And that's the back, the fronts have the yellow placards.

CHAIRMAN E. CONKLIN: I'm just trying to see the just this, cause if, got to have some trees. You aren't taking any more of the trees down, right?

L. ELLIS: No.

CHAIRMAN E. CONKLIN: So, there is some wood between them.

L. ELLIS: Yup.

CHAIRMAN E. CONKLIN: This one's a little closer.

L. ELLIS: Yeah, matter of fact, Mr. uh, Goessinger, his deck is closer now than what I'm proposing. I mean, on his lot. So,

CHAIRMAN E. CONKLIN: Right.

L. ELLIS: I went over that with him. He said, 'oh that's plenty don't worry about it.'

CHAIRMAN E. CONKLIN: Okay.

COMM. L. ADANTI: Mr. Chairman, may I see the pictures?

CHAIRMAN E. CONKLIN: Yes. Questions? Linda, Phil, questions?

V. CHAIRMAN P. CAVALLARO: No.

CHAIRMAN E. CONKLIN: We'll come back.

V. CHAIRMAN P. CAVALLARO: Not yet.

CHAIRMAN E. CONKLIN: Anybody in favor of this application? Anybody in favor of this application? Anybody opposed to this application? Anybody opposed? Okay. Any further questions from the Board? All right. No questions? Okay. Being no questions, I declare the hearing closed.

L. ELLIS: Thank you.

- - -

Later that evening, upon motion made by Commissioner Vasser and seconded by Vice-Chairman Cavallaro, the Board unanimously voted to approve the variance. "In the application by J&N Enterprises, Inc. of 18 Squire Lane, Monroe, CT, 06468, for the 3 properties at 9 Orowoc Trail, Map 21-C Lot 100; 11 Orowoc Trail, Map 21-C Lot 99; and 15 Orowoc Trail, Map 21-C Lot 16, a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property lines of each property from 30 ft. to 18 ft. in order to build a 12 ft. x 14 ft. deck in the rear of each home, the application for a variance is approved.

Inasmuch as the size of each lot is restrictive.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property lines of each property from 30 ft. to 18 ft. in order to build a 12 ft. x 14 ft. deck in the rear of each home.

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:

#0119-06 117 Soundview Avenue, Teresa M. Kleczkowski of 117 Soundview Avenue, Proposed Lot B for a variance to Section 24, Schedule B, Line 3 to reduce the minimum dimension of square on lot from 150 ft. to 140 ft. in an R-1 zone.

CHAIRMAN E. CONKLIN: Put this in the application.

CLERK T. KELLY: *(Quiet voice; inaudible)*

CHAIRMAN E. CONKLIN: I know. It's turned around. That's why.

CLERK T. KELLY: Here you go.

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

FRED D'AMICO: For the record, Fred D'Amico. I'm the uh, engineer representing the applicant. The applicant, the property owner is Theresa, I'll spell it. K-l-e-c-z-o-w-s-k-i.

CHAIRMAN E. CONKLIN: That's you?

THERESA KLECZOWSKI: K-l-e-c-z *(Papers rustling, voice quiet; inaudible)*

CHAIRMAN E. CONKLIN: That is you?

T. KLECZOWSKI: Yes.

CHAIRMAN E. CONKLIN: Okay.

CHAIRMAN E. CONKLIN: Do you have some pictures for me? You could have that.

F. D'AMICO: The receipt with the cards *(Papers rustling, inaudible)*,

CHAIRMAN E. CONKLIN: Okay. Go ahead and tell us what you're trying to do.

F. D'AMICO: That's, that's for the record, it uh,

CHAIRMAN E. CONKLIN: Yeah.

(Whispering; inaudible)

F. D'AMICO: This too. Okay, um the property basically is almost a three-acre parcel. Um, unfortunately, because of the unique shape of it, um, even though it's, uh, we, we can get one lot that meets all the requirement, exactly everything, but the second lot, uh, we couldn't get the square to fit the front setback, even though it's over, it's over a 2-acre lot, it's over a 2-acre parcel, it's in an R-40 zone. Um, the only variance we're requesting is the square because, as you can see, the square is sitting um, it, not touching the front setback line. Um, other that it does meet every other, it would meet every setback and size, um, frontage.

CHAIRMAN E. CONKLIN: Is there some reason why you made this an irregular-shaped lot instead of a regular, rear-lot set-up?

F. D'AMICO: Um,

CHAIRMAN E. CONKLIN: With the 50-foot frontage and,

F. D'AMICO: I didn't think you could get a rear lot there. I wasn't sure if you could, if a rear lot would be allowed. And, the applicant, um, aft - after discussing it, that's, that's what we decided to try to pursue is the um, split it like this with, to have this one meet everything and then this one would, like I said it meets,

CHAIRMAN E. CONKLIN: Okay.

F. D'AMICO: Unless, if the, if the, if we put the square in the front it would only be 140 feet.

CHAIRMAN E. CONKLIN: Right.

F. D'AMICO: So, I thought the, and I think,

CHAIRMAN E. CONKLIN: Yeah, I'm looking at all the irregular lines in this lot which means usually people wind up in arguments and, not only, you have a straight line here and then you jog it at the last minute to get, I'm not sure why.

F. D'AMICO: Well,

CHAIRMAN E. CONKLIN: 150-foot frontage.

F. D'AMICO: To get the, get the 150-foot frontage.

CHAIRMAN E. CONKLIN: Foot frontage.

F. D'AMICO: So, we were able to get both of them the 150-foot,

CHAIRMAN E. CONKLIN: Yeah.

F. D'AMICO: Even though this one could have, it could have had only 135,

CHAIRMAN E. CONKLIN: Right.

F. D'AMICO: So, we could have, I could have let this go straight but I thought it would be better just to keep the frontage the same. But I can't, I can make that line straight and then woulda looked, and just, it would a straight line like this and then just across. Um,

CHAIRMAN E. CONKLIN: All right. I saw the plans. I saw them in the plans. I was wondering why you just couldn't do a rear lot, 50-foot frontage and you had, you had 3 acres here so you could fit the two lots in there without any,

F. D'AMICO: You coulda got the 2 ac - like I said it's 2-acre. It would probably meet it. But I didn't think, uh, for some reason I didn't think we could get a rear lot in that, in this instance.

CHAIRMAN E. CONKLIN: Okay. Questions?

COMM. B. VASSER: If the rear lot would be better than why not investigate that? It's a yes or no answer.

CHAIRMAN E. CONKLIN: I, I, just generally looking at it I don't know how a rear would be completely, I would, looks like it would be completely conforming. I'm not sure but to tell if you have 400 and, it would be close.

F. D'AMICO: This is 88, well, see it's 88,000 square feet so it's,

V. CHAIRMAN P. CAVALLARO: But if he's short on the square now, how would a rear lot fix that?

CHAIRMAN E. CONKLIN: What's that? Because this lot would become here over to here and across,

COMM. B. VASSER: Yeah, but this is part of the square.

CHAIRMAN E. CONKLIN: No. It doesn't have to be because this would be a rear lot. You need 50-foot frontage across the lot and make it across, but I'm not sure if he's got (*over 20? – unclear*). It'd be close. I was just looking at it closely. I didn't measure it out and,

COMM. J. JONES: What is that square on the,

F. D'AMICO: This?

COMM. J. JONES: Yeah.

F. D'AMICO: It's a garage to be removed. It's existing, an existing garage.

COMM. J. JONES: So, that's here.

F. D'AMICO: Yes.

COMM. B. VASSER: And that yellow highlighted square, that's just,

F. D'AMICO: That's just the building, that's just the building square.

CHAIRMAN E. CONKLIN: That's, okay.

COMM. B. VASSER: So, you got to set back from there when you build.

F. D'AMICO: Uh, no, you just to, you have to meet the setbacks. This is, these are the set – the building setback lines here.

CHAIRMAN E. CONKLIN: Yeah.

F. D'AMICO: Um, and the, it the square normally would touch it, it uh, by the regulation it has to touch the front line and because it doesn't in this case I just highlighted to show that it's setback from the front.

CHAIRMAN E. CONKLIN: Right. Yeah.

F. D'AMICO: Whereas in this case, the, the square's here, it's touching the front setback line.

COMM. B. VASSER: But will there be a building that close to the orange property line there?

F. D'AMICO: The, the building actually, technically could be anywhere in the se - in the setback. Most likely it would be in this area because it's the largest area. It wouldn't make sense to put it,

COMM. B. VASSER: But it would be in this?

F. D'AMICO: Right there.

COMM. B. VASSER: It wouldn't be in this corner here? It has to be outside of this?

F. D'AMICO: No, it has to be, has to be,

CHAIRMAN E. CONKLIN: Yeah.

F. D'AMICO: Outside of this line, yes.

COMM. B. VASSER: Okay.

F. D'AMICO: And there's obviously ample, you know, there's ample room there to put it. The dwelling could be basically anywhere there.

CHAIRMAN E. CONKLIN: All right. Thoughts? Questions? And that's uh, really, makes everything, I, I'd, I just rather see that. At least it's one kink that you know,

F. D'AMICO: Okay. I could, I could take that out. That's not a problem.

CHAIRMAN E. CONKLIN: You're starting to, try to keep it, more and more angles makes more and more neighbors,

F. D'AMICO: I understand. Yeah, I could easily take that out. That's, again, the applicant wanted it that way but there's no reason.

CHAIRMAN E. CONKLIN: Yeah, there's no reason for it at all.

F. D'AMICO: Keep this more frontage, right.

CHAIRMAN E. CONKLIN: Yeah. You can meet all the zoning criteria without it. Except for square on the lot. Uh, questions? Concerns? Okay. Anybody in favor of this application? Anybody in favor? Anybody opposed? Anybody opposed? Questions from the Board?

COMM. B. VASSER: Can it be moved back? It's not quite at the,

F. D'AMICO: The square?

COMM. B. VASSER: Yeah.

F. D'AMICO: Well the square cou – the square, it could be anywhere. It's just to show the square, the square fits. Just like,

(Whispering; inaudible)

F. D'AMICO: This square is here. It could slide back or forward. It really doesn't matter.

COMM. B. VASSER: Okay.

F. D'AMICO: Yeah, cause the dwelling doesn't have to be built in the square. In, it has to be built inside the setback line.

CHAIRMAN E. CONKLIN: Yes. It's not touching the front setback; it's not touching this. That's what the,

F. D'AMICO: Yes.

CHAIRMAN E. CONKLIN: The issue is it's not,

F. D'AMICO: It's, it's just to preclude somebody from uh, splitting a lot up and making it you know, 60 feet wide or 100 feet wide by 500 feet long.

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

F. D'AMICO: Thank you.

CHAIRMAN E. CONKLIN: Thank you.

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Later that evening, upon motion made by Commissioner Adanti and seconded by Commissioner Vasser, the Board unanimously voted to approve the variance. "In the application by Teresa M. Kleczkowski of 117 Soundview Avenue, Proposed Lot B for a variance to Section 24, Schedule B, Line 3 to reduce the minimum dimension of square on lot from 150 ft. to 140 ft., the application for a variance is approved.

Inasmuch as the resulting property will remain in harmony with the neighborhood.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 3 to reduce the minimum dimension of square on lot from 150 ft. to 140 ft.

This certificate is contingent upon the following stipulations: 1) Eliminate the angle at the end of the property line that leads onto Soundview and make it straight. 2) Remove the accessory structure on the property identified by the Board.

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

HEARING ADJOURNED AT APPROXIMATELY 9:10 P.M.

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