

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, April 16, 2019

Agenda:

- #0319-01 59 Oronoque Trail, Nathan H. Aho of 59 Oronoque Trail, (Nathan and Heidi Aho, 59 Oronoque Trail, Owners)**
- #0419-01 10 Cloverdale Avenue, Lynda and Richard Shomsky of 10 Cloverdale Avenue**
- #0419-02 49 Cribbins Avenue, Meghan Kilcoyne of 49 Cribbins Avenue**

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the April 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 to your right, Commissioner Jim Oraziotti, who will be sitting in for Vice-Chairman Phill Cavallaro, Commissioner Linda Adanti; Tina Kelly, our clerk; myself, Chair Ed Conklin; to my right is Commissioner Jamie Jones, and to his right is Commissioner Bryan Vasser.

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, April 16, 2019, at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.

#0319-01 59 Oronoque Trail, Nathan H. Aho of 59 Oronoque Trail, (Nathan and Heidi Aho, 59 Oronoque Trail, Owners) for the a variance to Section 24.2, Lot Shape, and Section 24, Schedule B, Line 4 to create a lot line revision to reduce the minimum lot frontage on a paved road, Oronoque Trail, from the required 75 feet to 30 feet in order to allow an existing lot, which fronts on paper street, Wigwam Trail, Map #12-A, Lot #34 to have road frontage in an R-3 zone. This is being continued.

CHAIRMAN E. CONKLIN: Okay. Is the applicant here? Please come up to the table. How are you doing?

NATHAN AHO: Good. Thank you.

CHAIRMAN E. CONKLIN: Uh, I had some conversations with some people because one of the things is; you have 2 rear lots back here as we discussed.

NATHAN AHO: Right.

CHAIRMAN E. CONKLIN: And you need a right, you need some frontage to both of those. Uh, I had conversations with the uh, 2 alder, 1 alderman and the mayor and the city engineer in trying to get this paper street abandoned because it only services your, your properties back there.

NATHAN AHO: Right.

CHAIRMAN E. CONKLIN: Um, right now the best avenue for you, uh, because right now I'm not sure it would pass the Board because - given the other options there are. Um, for you to ask for a continuance for a couple months, all right, and then also send in there a letter to the mayor and both of your aldermen, which is John Anglace and Chris Balbucci. Okay, requesting that the City of Shelton abandon the right of way of Wigwam Trail for yourself.

NATHAN AHO: Um-hmm.

CHAIRMAN E. CONKLIN: Okay. And then you would have to come up with discussions with the city on how to take ownership of that.

NATHAN AHO: Wonderful.

CHAIRMAN E. CONKLIN: All right.

NATHAN AHO: And these were additional. He hadn't sent that in time last, this from the neighbor, and this from,

CHAIRMAN E. CONKLIN: Okay. That's the return card.

NATHAN AHO: Correct.

CHAIRMAN E. CONKLIN: Okay, um, why don't we put the, well, right, do you agree to the uh, extenuation for the hearing?

NATHAN AHO: Yes. Sounds wonderful, yeah.

CHAIRMAN E. CONKLIN: Okay. So, you agree that for the coup - 2 months extension of the, of the hearing, hearing time, okay and you're going to get those letters out to them, um,

NATHAN AHO: So, mayor and the two aldermen?

CHAIRMAN E. CONKLIN: The mayor and two aldermen requesting the abandonment of Wigwam Trail.

NATHAN AHO: Okay.

CHAIRMAN E. CONKLIN: Okay?

NATHAN AHO: Wonderful.

CHAIRMAN E. CONKLIN: All right. And we'll keep this hearing open until then.

CLERK TINA KELLY: And you're Nathan Aho, right? 59 Oronoque Trail.

NATHAN AHO: That's correct.

CLERK T. KELLY: Okay.

CHAIRMAN E. CONKLIN: Okay.

CLERK T. KELLY: Thank you.

CHAIRMAN E. CONKLIN: And I'll keep this for the next

NATHAN AHO: Great.

CHAIRMAN E. CONKLIN: meeting.

NATHAN AHO: Thank you so much.

CHAIRMAN E. CONKLIN: Okay? Thank you.

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(HEARING CONTINUED)
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#0419-01 10 Cloverdale Avenue, Lynda and Richard Shomsky of 10 Cloverdale Avenue for a variance to Section 24, Schedule B, Line 9 side setbacks to reduce the minimum setback from the right side line from the required 30 feet to 18 feet in order to construct a single story, 2-car attached garage measuring 24' x 30' in an R-1 zone.

CHAIRMAN E. CONKLIN: Is the applicant here tonight? Please come up to the table.

RICHARD SHOMSKY: I'm Richard Shomsky, 10 Cloverdale Avenue.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: Receipts, right?

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

RICHARD SHOMSKY: Because we're trying to add a garage so, because the house is built on a slab. We have no basement or anything and we need more storage. We gonna make the old garage into a couple other rooms.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: And we're gonna,

CHAIRMAN E. CONKLIN: What type of rooms are you going to make them into?

RICHARD SHOMSKY: A gym and workout area, and then like another entertainment-like area and storage and stuff.

CHAIRMAN E. CONKLIN: Okay. All right.

RICHARD SHOMSKY: And then we'll have some storage over the garage.

CHAIRMAN E. CONKLIN: Okay. And this is going to reduce your right side setback to 18 feet?

RICHARD SHOMSKY: Left side. Well, you're looking at the house on the left. Or, you guys talk the other way, right?

CHAIRMAN E. CONKLIN: It's yeah, you're looking from you're standing on the front porch looking out.

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: It's the right side. Okay. From 30 to 18 feet. Okay. And how big is this garage you're making?

RICHARD SHOMSKY: You guys know, what is it?

CHAIRMAN E. CONKLIN: Okay. So, we have 24 x 30 on the,

RICHARD SHOMSKY: Right. Okay.

CHAIRMAN E. CONKLIN: Lot. On the, just want to make sure we're on the same page. And you have on one of the measurements here only down to 19 feet, but you're asking for 18 feet?

RICHARD SHOMSKY: I, I guess, is that, that's the, you know, my builder wrote all that.

CHAIRMAN E. CONKLIN: Your builder did this?

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Filled this out?

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Okay. He's, yeah he's got the 18. You only show 19 on the map.

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: Okay. All right. Uh, what is, is this served by city water, city sewer?

RICHARD SHOMSKY: City water.

CHAIRMAN E. CONKLIN: City water?

RICHARD SHOMSKY: Septic in the back.

CHAIRMAN E. CONKLIN: Septic in the back?

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Where is the septic located in the back of the house?

RICHARD SHOMSKY: P, um, on the right side looking from the street in the back, rear.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: Well back, middle actually.

CHAIRMAN E. CONKLIN: On the opp – so the opposite side of where you're putting the addition.

RICHARD SHOMSKY: Yeah. Nowhere near that.

CHAIRMAN E. CONKLIN: Okay. What is the extension sticking out of the back of your house here?

RICHARD SHOMSKY: That is a family room.

CHAIRMAN E. CONKLIN: A family room? Picture....okay. All right. And there's nowhere else on this property that you can put this?

RICHARD SHOMSKY: No.

CHAIRMAN E. CONKLIN: So, you already, you have a two-car garage as it stands right now that going to eliminate and add two cars,

RICHARD SHOMSKY: Right.

CHAIRMAN E. CONKLIN: Facing the road.

RICHARD SHOMSKY: Facing the road. It's going to be facing the road with a roofline like this.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: To match the other side of the house, and,

CHAIRMAN E. CONKLIN: Okay. All right. Send that down the other side.

COMM. J. JONES: Do you have a draw- drawing of the?

RICHARD SHOMSKY: Not on me.

CHAIRMAN E. CONKLIN: This is one story or two story, two garage, single story...it's a, this says a single story.

RICHARD SHOMSKY: Right. But like up in the attic, you know, I'll have a, maybe a stairway going up or a thing going to put you know, put stuff.

CHAIRMAN E. CONKLIN: Okay. Is that being converted for any form of in-law apartment?

RICHARD SHOMSKY: No.

CHAIRMAN E. CONKLIN: Or anything like that.

RICHARD SHOMSKY: Nope.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: Just a garage.

COMMISSIONER BRYAN VASSER: There's no way to build off the back?

RICHARD SHOMSKY: That's my septic on the back there.

COMM. B. VASSER: Where? Back here?

RICHARD SHOMSKY: Where are you?

COMM. B. VASSER: This is your garage here.

RICHARD SHOMSKY: Not that I really wanted to. But if I move back here, now, we're still close to the property line no matter what. I don't want to, here's the property line.

COMM. B. VASSER: Right. Rear lot? A lot further away? Because you're getting awfully close and this guys close here.

RICHARD SHOMSKY: Right. But now this is gonna be, if I build here it'll be right up against this building. You won't even have, you won't be able, be able to look out the windows.

COMM. B. VASSER: It's a dilemma but that's awfully close to the property line.

CHAIRMAN E. CONKLIN: All right. Linda and Jim, questions?

COMM. B. VASSER: Do you have a, we have a letter from this, this uh, person?

CHAIRMAN E. CONKLIN: Yeah. Questions?

COMM. J. JONES: I'm waiting to hear about, from the letter.

CHAIRMAN E. CONKLIN: Well, we'll, we'll get to that in a second, okay? Um, anybody in favor of this application? Come up to the table, please. Who is, you have to come up to the table. Name and address for the record please.

LYNDA SHOMSKY: Lynda Shomsky, 10 Cloverdale.

CHAIRMAN E. CONKLIN: Okay. All right. Okay. Obviously, you still in favor? Um, this letter, can you read this letter in?

COMM. J. JONES: (Reads letter as follows): "Dear Mr. Conklin, Please allow me to introduce myself. My name is Viraf Commissariat"

(UNIDENTIFIED VOICE; INAUDIBLE)

CHAIRMAN E. CONKLIN: Yes? We'll read your letter. We'll call you up.

COMM. J. JONES: (Continues reading letter)



CHAIRMAN E. CONKLIN: Okay. Would you like to come up to the table?

L. SHOMSKY: But the garage doors are going to be facing the road.

CHAIRMAN E. CONKLIN: Uh, their time.

L. SHOMSKY: Okay.

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

VIRAF COMMISARIAT: Uh my name is

CHAIRMAN E. CONKLIN: Have a seat.

CLERK T. KELLY: You're going to have to spell your name, sorry.

VIRAF COMMISARIAT: The first name is Viraf. V as in Victor, I, R, A, F as in Frank.

CLERK T. KELLY: Oh, okay.

VIRAF COMMISARIAT: And the last name is Commisariat.

CLERK T. KELLY: Okay. I got it.

VIRAF COMMISARIAT: You got it?

CLERK T. KELLY: Yes, thank you.

VIRAF COMMISARIAT: All right. So, I have brought some pictures with me, which I would like to present to you, okay? Now, and I, you can, you can take this

CHAIRMAN E. CONKLIN: What are these pictures of?

VIRAF COMMISARIAT: This is the, this is the picture of the driveway of Mr. and Mrs. Shomsky. Okay? That's the, that's the garage over there. And that garage, you know, adjoining that garage would be another 24 x 30 structure, okay? That second, second picture is truly, no that, the, the one

CHAIRMAN E. CONKLIN: This second, okay.

VIRAF COMMISARIAT: Yes. This one. That is, that is the garage, this is the space here, and these are the trees where my property lies. Okay? I don't know how 24 foot is being calculated but it doesn't seem like it's logically there is a lot of space there. But irrespective, that I, I leave to you know, you folks to decide. This over here is my, is my family room and it faces square their garage. Okay? This is, this is a picture right from my family room window, that's a picture right from my family room window, and over there is a picture of the back of Mr. and Mrs. Shomsky's property, where you can see the garage and there's space in the back to build if they wanted to. All right? When I, when I talked to Mr. Shomsky a few days ago, I basically suggested that but his response to me was I'm not gonna do it.

COMM. B. VASSER: I didn't say, you never said put it in the back. You said put it on the other side of the house.

CHAIRMAN E. CONKLIN: Hold it! Hold it! There is no discussion between people.

RICHARD SHOMSKY: Oh, okay.

VIRAF COMMISARIAT: So, I do, I do have a strong objection to this.

CHAIRMAN E. CONKLIN: Okay.

VIRAF COMMISARIAT: Uh, like I, like I mentioned there is, there is no, you know, no hardship that I can see which is basically one of the, one of the first tenets of granting a variance. And also, I, I feel that this, you know, this garage being built so close to my property line does affect me. It does affect my wellbeing, the well being of my family. And um, the property value also. If it so happens that, you know, people want to buy my property now see something that close, you know, they will, they will not want to. Because this is also a privacy issue, I mean I have, I have a large family room that's smack dab facing this. It's not like, it's not like it's at an angle or on the side or something. I'm just facing, I've shown you pictures, which basically shows that.

COMM. B. VASSER: Do you know how close your house is to the property line here?

VIRAF COMMISARIAT: I can tell you.

COMM. J. ORAZIETTI: Can I ask how old your house is? On your, when your home was built?

VIRAF COMMISARIAT: When, when my house was built? It was built in 1985. I bought the house in 1993. I have been in the same house for the last 26 years.

COMM. B. VASSER: Mr. Shomsky?

RICHARD SHOMSKY: Yes.

COMM. B. VASSER: Does this uh, does this line represent where the garage would stop?

RICHARD SHOMSKY: Yes. Yes.

L. SHOMSKY: And like I said, it's gonna be solid then. The doors aren't gonna face them; the doors are gonna face the street. So, they would actually have more privacy. Right now, if we stand out in our garage, we could look right into their family room. The way it stands right now. But if we added on, it's going to be looking towards the street. It's gonna give us a nice roofline.

COMM. B. VASSER: Well, but then they've got a butt end of a house.

VIRAF COMMISARIAT: Yeah, exactly.

COMM. B. VASSER: 18, probably, I don't know how close their house is to the property line.

L. SHOMSKY: It's not that close.

COMM. B. VASSER: But a lot closer, you know, now their, you know?

CHAIRMAN E. CONKLIN: What is this building back here? Is that on your property?

RICHARD SHOMSKY: A pool house.

L. SHOMSKY: Yeah. That's a pool house.

CHAIRMAN E. CONKLIN: That's on your property?

L. SHOMSKY: Yes.

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Yeah, because it doesn't show up on anything we have.

L. SHOMSKY: We have it. It should be, um, we've got permits for everything.

CHAIRMAN E. CONKLIN: When was this built? It's obviously new because it's got a,

L. SHOMSKY: Right.

CHAIRMAN E. CONKLIN: Construction fence there.

RICHARD SHOMSKY: Right. Couple years ago?

CHAIRMAN E. CONKLIN: Okay. It's not on the aerial, though right? No. Not on that. It's not on the assessor's map.

L. SHOMSKY: Wait, here's an, here's an aerial that we have here. Oh, that's the old one, yeah. Okay.

CHAIRMAN E. CONKLIN: We have a (*INAUDIBLE*)

VIRAF COMMISARIAT: The angle cuts across; it's actually from, from the road. The kind of road at an angle, so, not only are the trees on my property, there's some portion of the driveway that's on my property also. But that's, that's the way it is. I've never really, you know, had the need to enforce it or anything of that sort. But that's, that's how that whole line gets drawn. Because as you can see (*UNCLEAR*) an angle like this.

COMM. B. VASSER: Should have kept it straight.

RICHARD SHOMSKY: Would have been easy, right?

VIRAF COMMISARIAT: I mean, I

CHAIRMAN E. CONKLIN: That's what I'm trying to, I mean, do you have an A-2 survey of this on your property?

L. SHOMSKY: Do what?

CHAIRMAN E. CONKLIN: A-2 survey of your property?

RICHARD SHOMSKY: No. You guys had your survey years ago.

VIRAF COMMISARIAT: I have, I have, I had just one line of my property surveyed, the line that adjoins their property. 4:50

CHAIRMAN E. CONKLIN: Well, my question is I'm looking at, I'm trying to look at this distance from here to here and it's saying, you know, 24, it's supposed to, it's supposed to be that's, 20, that's 44 and it doesn't, doesn't look like it's

VIRAF COMMISARIAT: That's what I'm, that's what I'm

CHAIRMAN E. CONKLIN: 44 feet. 43 feet.

VIRAF COMMISARIAT: That's what I'm contending also.

CHAIRMAN E. CONKLIN: So, that's 19, 24, it's saying from that point to the property line I have 43 feet.

VIRAF COMMISARIAT: Exactly.

CHAIRMAN E. CONKLIN: And for some reason it just doesn't look it.

VIRAF COMMISARIAT: I mean, I would, I would welcome, ya' know, anybody from the town could come to my home and measure anything that they want. So, you know, you could, you could come to my home and actually take a look from my window as to how it looks. I have no objection to that. I just wish,

CHAIRMAN E. CONKLIN: Were your measurements off of his surveying line? Or where were measurements, how did you get, come up with your measurements?

RICHARD SHOMSKY: My builder came up, you know, he, he measured them.

L. SHOMSKY: And he's out of town right now. That's why we are here.

CHAIRMAN E. CONKLIN: What did he measure off of?

RICHARD SHOMSKY: Measured off his house, I think, and our house, and the survey line.

CHAIRMAN E. CONKLIN: Well, that's what I'm asking, did he measure off the survey, but?

RICHARD SHOMSKY: Yeah.

L. SHOMSKY: Yeah. The lines that he, he showed us.

CHAIRMAN E. CONKLIN: Off that. All right. Any other questions? Bryan?

COMM. L. ADANTI: Uh, excuse me. I have one question. What are you going to use the, the current garage for? Are you not going to use it for vehicles?

RICHARD SHOMSKY: No.

COMM. L. ADANTI: What are you going to use it for? Storage, or what?

RICHARD SHOMSKY: For some storage, and uh, um, like a workout and a entertainment thing.

COMM. L. ADANTI: So, another room?

RICHARD SHOMSKY: Yeah.

VIRAF COMMISARIAT: I repeatedly come back to the same question that is, why not build in the back?

CHAIRMAN E. CONKLIN: What's uh, what's above your existing garage, now?

RICHARD SHOMSKY: Storage.

CHAIRMAN E. CONKLIN: Storage.

RICHARD SHOMSKY: Not, ya' know, not much.

CHAIRMAN E. CONKLIN: Okay. All right. Any other questions? Anybody else in, opposed to this application?

COMM. J. JONES: Uh, I'd like to see a drawing of it.

CHAIRMAN E. CONKLIN: I, I, that's one of the problems that I'm having. I don't, I'm seeing hand drawings here and I don't, not comfortable looking at this picture and looking at the drawings and see if things fit.

RICHARD SHOMSKY: That's not a drawing of the uh, house, the builder,

L. SHOMSKY: He should, we should have it on file. The builder has come and filed papers.

COMM. B. VASSER: For the addition?

RICHARD SHOMSKY: Yeah.

L. SHOMSKY: Absolutely.

CHAIRMAN E. CONKLIN: I mean, he has a A-2 survey plot on file? Or just a hand drawing?

RICHARD SHOMSKY: Just a hand drawing of the building I think.

COMM. B. VASSER: Well, you filed for a permit?

RICHARD SHOMSKY: Yeah.

L. SHOMSKY: Um-hmm.

COMM. B. VASSER: So, we should have something - that would have been good to bring.

CHAIRMAN E. CONKLIN: Well, actually he couldn't have filed for a permit.

RICHARD SHOMSKY: No, he couldn't have filed for a permit because we're not done here.

CHAIRMAN E. CONKLIN: Right.

RICHARD SHOMSKY: Right?

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: Well, he could have filed for it and found out he needed a variance and then stopped it. I don't know. Could happen.

CHAIRMAN E. CONKLIN: Your saying these trees are on your property?

VIRAF COMMISARIAT: Yes.

CHAIRMAN E. CONKLIN: So, basically from this tree to that house it's saying it's 43 feet.

VIRAF COMMISARIAT: No. In, in fact,

CHAIRMAN E. CONKLIN: Well, I'm going just by what's presented to us.

VIRAF COMMISARIAT: Right. Okay.

CHAIRMAN E. CONKLIN: I have 19 and 24, that's 43.

VIRAF COMMISARIAT: Because, because I could, I could bring you the, the line that I had surveyed.

RICHARD SHOMSKY: And them trees,

L. SHOMSKY: And that's the line that the uh, builder went off of, the line that he showed us when we moved in.

COMM. B. VASSER: See when it's done, you're the same distance away from the property line as your house is, you know?

RICHARD SHOMSKY: Yeah.

COMM. B. VASSER: That's tough.

RICHARD SHOMSKY: So, actually them trees are going to have to be trimmed, too. Because they're huge hemlocks and they grow like 15 feet into my driveway.

COMM. B. VASSER: The recorder can only get one voice.

RICHARD SHOMSKY: Oh, sorry.

CLERK T. KELLY: Yeah.

COMM. B. VASSER: No, that's okay. Go ahead. You were talking, I was

CLERK T. KELLY: And I missed what he said. I missed

VIRAF COMMISARIAT: No, I was just saying

COMM. B. VASSER: I made the point that

VIRAF COMMISARIAT: That, that's, you know, it's not like I built that. I bought that in 1993.

COMM. B. VASSER: Yeah, that's true.

VIRAF COMMISARIAT: At the time that I bought it, I got a plot of land legally, with all of the, you know, with everything that was on it. It's not like I,

CHAIRMAN E. CONKLIN: Is that, is that family, family room an addition on that house, or?

VIRAF COMMISARIAT: It, it was, it was with the original house that I bought. It, it, it, it is an addition to the house that was built in 85, but it was, it's, it's recorded over here and it's, it's you know,

COMM. B. VASSER: The point I was trying to make is that it's you know, when it's all said and done they're darn near about the same distance away.

CHAIRMAN E. CONKLIN: Well, yeah the question is, is there a variance on his property next door?

COMM. B. VASSER: I don't know.

CHAIRMAN E. CONKLIN: On that. All right. Um, any recommendations from the board? You want to see, you're asking for a um, A-2 survey Jamie, or,

COMM. J. JONES: Well, something that's more decisive than this.

CHAIRMAN E. CONKLIN: Yeah.

COMM. J. JONES: Yes. And then a draw, an actual architectural drawing of the structure.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: If it's available. I hate to have them go and do all that if we're, you know, not going to approve a variance, you know. That would be a waste. If there's one in existence it would be good to see it. Is there, is there one in existence?

RICHARD SHOMSKY: There's a, a,

L. SHOMSKY: What?

RICHARD SHOMSKY: A picture of, you know,

COMM. B. VASSER: Is there an A-2 survey and, and a plan?

RICHARD SHOMSKY: A hand drawing that he drew of it.

L. SHOMSKY: We don't have an A-2 survey.

RICHARD SHOMSKY: No. No A-2 survey.

COMM. B. VASSER: What about a, what about a plan of the structure? A drawing, like showing the, what, what the structure is going to look like?

L. SHOMSKY: The builder, yes.

COMM. B. VASSER: He has blueprints or architectural drawings?

L. SHOMSKY: Not blueprints, it's, it's,

RICHARD SHOMSKY: Not architectural drawings, you know, a picture by scale he drew up for the house.

COMM. B. VASSER: Uh, huh.

COMM. J. ORAZIETTI: I don't think it's a hardship when someone comes before the board and asks for a variance to ask for an A-2 survey.

CHAIRMAN E. CONKLIN: Uh, to ask for one?

COMM. J. ORAZIETTI: Yes.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: Well, what do you, what do you hope to accomplish by looking at an A-2 survey, more than you're going to accomplish here? I mean,

COMM. J. ORAZIETTI: Well,

(VOICES TALKING OVER EACH OTHER; UNCLEAR)

COMM. B. VASSER: I understand it would be more precise but how much more are you going to accomplish?

COMM. J. ORAZIETTI: I want more clarification. Uh, as far as the lot line and the, and the distance. It's inconclusive at this point right now for me. The second thing besides the A-2 survey uh, but anybody who comes, but it is my personal opinion that was someone comes before the board to change a requirement for the zoning, that the, the burden is not on the board. It's on the prospective, uh the prospected who is going for the variance, not us.

COMM. B. VASSER: I understand. But the aerial, well, how accurate are these aerials with respect to property line placement? Are they just?

CHAIRMAN E. CONKLIN: Not accurate at all.

COMM. B. VASSER: Well,

(MULTIPLE VOICES; UNCLEAR)

CHAIRMAN E. CONKLIN: That's just in general.

COMM. J. ORAZIETTI: I, I have another question though, well, as long as I'm speaking. Um, there is no other, you said that the septic is on the backside of the house?

RICHARD SHOMSKY: Yes.

COMM. J. ORAZIETTI: There's no way of getting around that, putting a, the garage on the back side of the house? It doesn't have to be attached to the house, right?

RICHARD SHOMSKY: No, but I really didn't want it in the middle of my backyard.

COMM. J. ORAZIETTI: Well,

L. SHOMSKY: And that's closer to the property line.

COMM. J. ORAZIETTI: I mean, I,

RICHARD SHOMSKY: Right.

L. SHOMSKY: The further back you go the closer we would get.

COMM. J. ORAZIETTI: People put up barn type structures and what not. You're looking for storage and,

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: And what not. You know, I'm just, it's

L. SHOMSKY: Yeah, we would just like the house to look good.

COMM. J. ORAZIETTI: I'm trying to be very clear on, on what your hardship is here.

RICHARD SHOMSKY: Right, because of the storage and you know, we have no basement and everything. And when we put the addition on,

COMM. J. ORAZIETTI: That's not a hardship.

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: You not having a,

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: Not having a basement is not a hardship.

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: Okay.

RICHARD SHOMSKY: But now when we build it we would like to make it aesthetically, the roofline

COMM. J. ORAZIETTI: That's not a hardship.

RICHARD SHOMSKY: To make the other side, what?

COMM. J. ORAZIETTI: Aesthetics is not a hardship.

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: So, I'm, I'm trying to, I'm trying to work with you here,

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: I'm trying to totally figure out your hardship here.

RICHARD SHOMSKY: Oh. Well, I just figured out, you know, because we have no basement, and we want to build to make it look nice, okay.

L. SHOMSKY: We have, we have no storage.

COMM. J. ORAZIETTI: I, I, I, you know what? That's, that's really nice.

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: That's great. But that's still not a hardship.

L. SHOMSKY: We just have no st –

COMM. J. ORAZIETTI: The only thing we could grant you a variance on is a hardship.

RICHARD SHOMSKY: What's a hardship?

L. SHOMSKY: Well, we said we have lack of storage.

COMM. J. ORAZIETTI: A hardship would be maybe your, maybe your property drops off of a cliff or you have acquired property, maybe you can't, maybe you can't build on that. Maybe it's all ledge. You know, maybe your entire back yard is septic system. Uh, maybe you, you know, you have, you have giant leaching fields. I, I don't know. You'd, you'd have to present that to us.

VIRAF COMMISARIAT: Can I, can I make a statement? When Mr. and Mrs. Shomsky bought this property two years ago, they knew what they were buying. That it was built on a slab, that there was no basement, and so on and so forth. I mean, they, they, they did tear down one section of that house and then rebuilt on it again, which is, which is fine. All I'm saying is why should be at the expense of me and my family when there is space on that property to build around it?

CHAIRMAN E. CONKLIN: Did you uh, pull permits for the pool?

L. SHOMSKY: Um-hmm.

RICHARD SHOMSKY: Yes.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: Everything is permitted, yeah.

CHAIRMAN E. CONKLIN: Yeah. I mean it's got 40-foot setback on the back of that property for the pool?

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Okay.

RICHARD SHOMSKY: Whatever it's supposed to be.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: So, we're not actually seeing the pool on these, any of these,

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: Pictures, or anything like that, so I can't really see, I can't tell where your pool's at.

RICHARD SHOMSKY: Oh.

COMM. J. ORAZIETTI: Is it an in-ground pool?

RICHARD SHOMSKY: Yes.

L. SHOMSKY: Yes.

COMM. J. ORAZIETTI: It's an in-ground pool.

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: Is it,

VIRAF COMMISARIAT: I do have pictures if you want me to show them to you?

CHAIRMAN E. CONKLIN: And you, do you have a picture of the, that shows a construction fence, you know, with a uh, small building in the back? A city orange fence?

L. Shomsky: I have pictures on my phone if you want to see them.

CHAIRMAN E. CONKLIN: So, no, we'd have to keep your phone.

(LAUGHTER)

VIRAF COMMISARIAT: I do, I do have pictures. I can, I can show them to you.

CHAIRMAN E. CONKLIN: If you have a picture that you can give us?

COMM. J. ORAZIETTI: See, I'd like to see some sort of a, you know, plot, plan, cause I mean,

CHAIRMAN E. CONKLIN: Yeah, I know that's,

COMM. B. VASSER: No, I get it, I didn't realize that the

COMM. J. ORAZIETTI: Where's the pool, where's the?

COMM. B. VASSER: I didn't realize the property line placement on the, on the GIS map is that far off so I guess you can't really use it.

CHAIRMAN E. CONKLIN: There, plus or minus they say, three or four feet, there's no, yeah, they aren't accurate.

RICHARD SHOMSKY: Well, he has actually does have a, a pin in the ground there.

CHAIRMAN E. CONKLIN: Yeah.

RICHARD SHOMSKY: And it goes to the telephone pole. And you could just, you know, run a string from that pin to the telephone pole. It's, it's pretty simple.

COMM. J. ORAZIETTI: Do you think we're gonna do that?

RICHARD SHOMSKY: No.

L. SHOMSKY: No, we're saying but that's how we, our builder did it.

(VOICES TALKING OVER EACH OTHER; UNCLEAR)

RICHARD SHOMSKY: Okay.

COMM. J. ORAZIETTI: That's on you guys.

RICHARD SHOMSKY: All right.

COMM. B. VASSER: Somehow it has to be presented here so that we can all see,

RICHARD SHOMSKY: Right.

L. SHOMSKY: Um-hmm.

RICHARD SHOMSKY: Right.

CHAIRMAN E. CONKLIN: Right.

COMM. B. VASSER: And I think everyone is having a hard time understanding really how close this thing is going to be to this, this gentlemen's property.

VIRAF COMMISARIAT: The only thing I have with this, is that, that's the best, that's the best that you can see.

CHAIRMAN E. CONKLIN: That's what we have.

(MULTIPLE VOICES; INAUDIBLE)

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: You know you want to keep it friendly?

RICHARD SHOMSKY: Right.

COMM. J. ORAZIETTI: And nice, and,

CHAIRMAN E. CONKLIN: Yeah, cause I'm looking at the aerial view there and the aerial view shows a wooden lot. And the pictures we have are not wooded anymore; it's been cleared. So, there's like,

COMM. J. ORAZIETTI: What am I looking at?

CHAIRMAN E. CONKLIN: I know.

COMM. J. ORAZIETTI: I'm not sure what I'm looking at.

CHAIRMAN E. CONKLIN: Yeah. All right.

COMM. B. VASSER: What's this built out here again?

RICHARD SHOMSKY: It's a family room.

COMM. B. VASSER: Family room.

CHAIRMAN E. CONKLIN: With windows all the way around, it looks like.

RICHARD SHOMSKY: Right.

L. SHOMSKY: Um-hmm.

CHAIRMAN E. CONKLIN: Okay. So, what we need is some sort of more, a map that's got better placement of this building. Any reason why you haven't slid the garage forward even?

L. SHOMSKY: What do you mean?

RICHARD SHOMSKY: Oh, slid it more forward toward the street?

CHAIRMAN E. CONKLIN: Yes.

L. SHOMSKY: Oh, that would be fine. The addition you're saying?

CHAIRMAN E. CONKLIN: Correct. Yes.

L. SHOMSKY: Yes. That would be fine.

CHAIRMAN E. CONKLIN: Which would bring it further from the property line as you slide it down.

L. SHOMSKY: That would be fine to move it up a little. I mean we could.

RICHARD SHOMSKY: How many feet do you want me to move it up?

CHAIRMAN E. CONKLIN: Well, don't know what the,

L. SHOMSKY: But that would be fine.

RICHARD SHOMSKY: Fine.

CHAIRMAN E. CONKLIN: Calculate the angle. You have to calculate the angle.

COMM. B. VASSER: Well, that's the other problem. See, we don't really know how far to tell you, or to suggest because we don't really know how far away,

RICHARD SHOMSKY: Right.

CHAIRMAN E. CONKLIN: That's our problem here. We're sitting here, we're looking

COMM. B. VASSER: That's the problem with not having an A-2 survey.

CHAIRMAN E. CONKLIN: At pictures and we don't have a,

RICHARD SHOMSKY: Right.

COMM. B. VASSER: That's the problem.

CHAIRMAN E. CONKLIN: So, and uh, how far is your house back from the front, from the front?

L. SHOMSKY: It's quite, quite far, but I don't know exactly.

RICHARD SHOMSKY: Oh, from the front?

CHAIRMAN E. CONKLIN: Yeah. I mean you got to be 40 feet back from the front. And by these, I thought these pictures looked like you had a fair distance.

VIRAF COMMISARIAT: It's a lot more than 40 feet.

CHAIRMAN E. CONKLIN: Yeah. So, I mean, we can look at it and, I mean, you, I would, for next month we do need some better drawings to understand exactly where things are. If he wants to run a string down between the two, get a picture of it for us so we can see

L. SHOMSKY: Um-hmm.

CHAIRMAN E. CONKLIN: Exactly where things are. At least do that and with the tape measure you get an exact measurement going out there.

COMM. B. VASSER: Well, if you're gonna do that I would, I would certainly from the property line back to the house now.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: So that, so that we can see if sliding it forward is even feasible.

RICHARD SHOMSKY: To, what, to my house?

COMM. B. VASSER: To your existing house.

RICHARD SHOMSKY: Right.

COMM. B. VASSER: Yeah, because if this, you know, I, you know, we don't, know what this distance is.

RICHARD SHOMSKY: Okay, measure the property lines to my house.

CHAIRMAN E. CONKLIN: Right.

COMM. B. VASSER: If this distance is 42 feet, then we know we can only go forward 2 feet.

RICHARD SHOMSKY: Right.

CHAIRMAN E. CONKLIN: Right.

COMM. B. VASSER: You know, but if it's 70 feet.

RICHARD SHOMSKY: Right.

COMM. B. VASSER: Plenty of room.

RICHARD SHOMSKY: Right.

COMM. B. VASSER: All right.

CHAIRMAN E. CONKLIN: Okay. So, we, we need some measurements of where this, your, your house physically sits on the lot and things of that nature. You know, this

COMM. B. VASSER: Maybe this distance from, you know, this point to the house now.

CHAIRMAN E. CONKLIN: Uh-hmm.

COMM. B. VASSER: You know,

CHAIRMAN E. CONKLIN: Front, front distance,

RICHARD SHOMSKY: The front and the back.

CHAIRMAN E. CONKLIN: Front, back,

COMM. B. VASSER: The front and the back and this distance here, here, question mark, question mark, question mark.

RICHARD SHOMSKY: And then I could probably measure from the line to his house to see if we have equal distances, no?

COMM. B. VASSER: Well,

CHAIRMAN E. CONKLIN: It's

COMM. B. VASSER: Couldn't hurt but it's not really relevant.

RICHARD SHOMSKY: Okay.

COMM. B. VASSER: I mean, it does, it doesn't have any bearing on this particular hearing but it couldn't hurt.

CHAIRMAN E. CONKLIN: I would, just for the heck of it get a measurement, well, we can figure out half of this and it's between the two, okay. You roughly get 10, yeah, all right.

COMM. J. ORAZIETTI: You're not really going to impress me with a string and a tape measure measurement. Personally, I want to see an A-2 survey. I want to see where your septic system is,

CHAIRMAN E. CONKLIN: Well, he had an A-2 survey done of that plot line.

COMM. J. ORAZIETTI: Where is it?

CHAIRMAN E. CONKLIN: Well, what we're going to go off is the string with the A-2 survey.

COMM. J. ORAZIETTI: Oh, he has an A-2 survey?

L. SHOMSKY: The neighbor,

RICHARD SHOMSKY: The neighbor.

CHAIRMAN E. CONKLIN: The gentleman next door had an A-2 survey done so he has pins of those two points along the property line. So, that's what we're telling him to do is go off those two pins of the A-2 survey, that exists.

COMM. J. ORAZIETTI: Then, I don't think it's on him to provide an A-2 survey; I think it's on the applicant.

RICHARD SHOMSKY: But it's there already.

L. SHOMSKY: But he has it.

CHAIRMAN E. CONKLIN: It's there. The pins exist. They're A, they're physically put in by an A-2 survey.

COMM. J. ORAZIETTI: Right.

CHAIRMAN E. CONKLIN: So, he could go off,

COMM. J. ORAZIETTI: Should be easy to get an A-2 survey.

CHAIRMAN E. CONKLIN: Go off that.

COMM. B. VASSER: So, I'm, I'm sorry. Is there an A-2 survey or not?

CHAIRMAN E. CONKLIN: The neighbor next door made an A-2 survey of that property line.

VIRAF COMMISARIAT: The

CHAIRMAN E. CONKLIN: He owns the survey. He does not.

VIRAF COMMISARIAT: You guys are saying things, which I'm not, uh, an expert on.

CHAIRMAN E. CONKLIN: Okay.

VIRAF COMMISARIAT: All I did was I paid the surveyor to come and he, he plotted a line and gave me a chart that basically says this is your line. These are where the trees are. And he, and he put pegs inside, inside the ground.

CHAIRMAN E. CONKLIN: He put a steel, a steel pin?

VIRAF COMMISARIAT: Yes.

CHAIRMAN E. CONKLIN: So, it's, that's a legal steel pin.

VIRAF COMMISARIAT: And it's, it's in like 3 spots, and as far as I know, and I, and I, uh, have to thank Mr. Shomsky for this, he has made sure that when he did his whole yard and so on, he, he kept to his side of the, of the property.

CHAIRMAN E. CONKLIN: Uh-hmm.

VIRAF COMMISARIAT: I can, I can say that.

CHAIRMAN E. CONKLIN: Okay.

VIRAF COMMISARIAT: Okay? There is

COMM. B. VASSER: So, so there's no draw – there's no drawing?

VIRAF COMMISARIAT: There is a drawing. There is a drawing. But I don't if it's called an A-2 survey or not.

COMM. B. VASSER: Is it a drawing of your property, or?

VIRAF COMMISARIAT: It's, it's a drawing of only one line on my property. That's the only line that I had surveyed.

CHAIRMAN E. CONKLIN: That's all he got was one line.

COMM. B. VASSER: Oh, yeah, it's gonna, that's not what you're looking for.

CHAIRMAN E. CONKLIN: What's that?

COMM. J. ORAZIETTI: That's not enough.

COMM. B. VASSER: That's not what you're looking for.

CHAIRMAN E. CONKLIN: Yeah. But if the survey

COMM. B. VASSER: But the two

CHAIRMAN E. CONKLIN: Put metal pins in, the metal pins

COMM. B. VASSER: The pins are there,

CHAIRMAN E. CONKLIN: Are legal pins.

COMM. B. VASSER: So, they can get factual dimensions from that line to the Shomsky's house. And then we'll know how far away the house is. It's not an A-2 survey. I mean, it's not sexy but, ya' know,

COMM. J. ORAZIETTI: It's not going to satisfy me. It's not an A, it's, it's,

COMM. B. VASSER: You're right. It's,

COMM. J. ORAZIETTI: I'm not going out there with a tape measure and I don't expect anybody else to.

COMM. B. VASSER: No, I don't think anybody, but

(MULTIPLE VOICES; UNCLEAR)

COMM. J. ORAZIETTI: Anybody with a tape measure, I'm, I'm looking for something here. You're looking for a variance to a zoning regulation in the town of Shelton; I expect to see something that's more precise.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: That's, that's my position. You guys can have whatever else position you want but that's me.

COMM. B. VASSER: Okay.

COMM. J. JONES: A question/comment for both: One of the things that came up on these hemlock trees um, would be minimal for this, for this project to make it better for both sides, if, um, the hemlocks were potentially removed and replaced with something.

L. SHOMSKY: They are. They are a mess.

COMM. J. JONES: But, perhaps - potentially there's a

COMM. B. VASSER: Like an arborvitae or something?

COMM. J. JONES: When you do this, if, if,

RICHARD SHOMSKY: Well, that's what I want.

L. SHOMSKY: We would absolut – we would absolutely love to do that because those are a mess.

RICHARD SHOMSKY: I wanted to ask him about that.

COMM. J. JONES: Replacement with arborvitae or a fence or something like that so that we,

L. SHOMSKY: With nicer looking, absolutely.

COMM. J. JONES: So, they wouldn't

(MULTIPLE VOICES; UNCLEAR)

COMM. B. VASSER: So whose trees, whose trees?

VIRAF COMMISARIAT: How, how tall a fence are you recommending?

(MULTIPLE VOICES; UNCLEAR)

COMM. B. VASSER: No, that's not a fence.

(MULTIPLE VOICES; UNCLEAR)

L. SHOMSKY: Not a fence, I would say arborvitae-type, something prettier looking.

(MULTIPLE VOICES; UNCLEAR)

COMM. J. JONES: It will just be more uh, a more solid barrier but it will be green.

L. SHOMSKY: Those are awful.

COMM. B. VASSER: Where are the trees, on your property? On the Shomsky's property?

L. SHOMSKY: It's onto our driveway.

COMM. B. VASSER: The trees are on your property?

COMM. J. JONES: Potentially, you might, suggest you might

RICHARD SHOMSKY: Right.

(MULTIPLE VOICES; UNCLEAR)

COMM. J. JONES: Clean them up.

L. SHOMSKY: We would love to.

COMM. J. JONES: Purchase new plantings to place

L. SHOMSKY: We would absolutely love to do that.

COMM. J. JONES: Along the property lines.

COMM. B. VASSER: Yeah. If they were willing to replace these with an arborvitae that were tall and full, so that you can't, you wouldn't see the butt end of this building. That's the point.

VIRAF COMMISARIAT: If, if that's, you know, if that's somehow achievable, yeah. I mean that would at least satisfy

COMM. B. VASSER: Well, you're not looking at; you're looking at greenery. You're not looking at the butt end of the house.

VIRAF COMMISARIAT: Yeah, but again,

COMM. B. VASSER: You know, right now you're looking at it

VIRAF COMMISARIAT: It would be, it would be blocking my light. It would be doing, doing other things. All I'm, all I'm still you know, a little bit confused about is where is the hardship in this whole conversation? I, I don't, I mean, as far as a variance to be granted, there has to be some kind of hardship.

CHAIRMAN E. CONKLIN: There is a sort of a hardship here because the lot is not a square lot. It's a triangular lot.

COMM. J. ORAZIETTI: Parallelogram.

VIRAF COMMISARIAT: You know,

CHAIRMAN E. CONKLIN: Parallelogram.

VIRAF COMMISARIAT: When, when, when a person buys a property,

CHAIRMAN E. CONKLIN: It, it still, there is some sort of qualifying to make it a semi-hardship. It's not a full hardship that makes; it does give some hardship to the lot.

VIRAF COMMISARIAT: There is

COMM. B. VASSER: It's an abnormality to the property.

VIRAF COMMISARIAT: There is space in the back, there is space on the side, there's space at the front.

CHAIRMAN E. CONKLIN: That's why we're looking for more dimensions to see, take out and see

VIRAF COMMISARIAT: So, please, why not work it out that way?

COMM. B. VASSER: Well, that's why we're talking, that's why we're asking for more dimensions so we can suggest maybe we pull, pull the garage forward so it stays 25 feet away from the property line, or 19. Or, or, you know, we're looking at all those things because there is an abnormality with the lot. If, if, there weren't,

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: Any other abnormalities or any reason for having to put it back further and block off half the family room. And, we're looking for a compromise here. So, whether we pull it forward, or put up, and put up trees and, we're looking for some compromise here. You know? So, that it doesn't affect you adversely. But on the other hand, they can utilize their property to its full potential.

VIRAF COMMISARIAT: I hear you. It's not the right, but if something else can be worked out rather than this jutting into our end, that would be something that I'm looking for.

CHAIRMAN E. CONKLIN: Okay.

VIRAF COMMISARIAT: So, you are asking for, you know, Mr. Shomsky to bring you some uh, some drawing or something. What is it that I need to do? That's my question.

CHAIRMAN E. CONKLIN: Actually, there's nothing that you need to do at all, actually.

VIRAF COMMISARIAT: Is it, is it something where I now need to get myself a lawyer and I?

CHAIRMAN E. CONKLIN: Well, we haven't made a decision as of yet.

VIRAF COMMISARIAT: Okay. So, only after you make a decision do I have to pull the trigger if I need to?

COMM. B. VASSER: That's the only, that would be the only reason to. Until the decision's made here, there's nothing.

VIRAF COMMISARIAT: Okay. I understand that. I understand.

CHAIRMAN E. CONKLIN: Okay. All right, so, you're really looking for that A-2 survey, you're looking for something. I, I'm having, I, I, questioning that the lot is a narrow lot to begin with. It's 158 ft. It's not a normal 200-foot lot. Um, and, I, I'd like to know exactly where that house is placed because I'm looking at those pictures and, it's close in the situation.

COMM. B. VASSER: Well, I'm having a hard time because, you know, the same reasons that Jim has a hard time with it and the same reason I always have a hard time with approving things close to property lines.

CHAIRMAN E. CONKLIN: Right.

COMM. B. VASSER: So, I'm a little hesitant to say, "Run out and spend money on an A-2 survey" cause I'm, no pun intended, on the fence.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: So,

CHAIRMAN E. CONKLIN: Well, I'm, I'm, that's the problem I'm sort of

RICHARD SHOMSKY: So, if I can get the information

CHAIRMAN E. CONKLIN: I'm leaning both ways. Would, would, I'm leaning both ways of having the prop -

COMM. B. VASSER: If I can get the information about distances, I think, you know, that would, that would satisfy me, you know, to discuss whether or not he can go forward or, you know, try and look for some compromise.

CHAIRMAN E. CONKLIN: Yup.

COMM. B. VASSER: Cause you have to look at it on the other swing, you know, if it were you trying to do it and you're sitting here

VIRAF COMMISARIAT: I wouldn't do it.

COMM. B. VASSER: Well,

VIRAF COMMISARIAT: Honestly I wouldn't. I mean it's a, it's

CHAIRMAN E. CONKLIN: All right. Um,

COMM. J. ORAZIETTI: And I, I happen to agree with you. I don't want to see anybody spend money for an A-2 survey, which would be, you know,

COMM. B. VASSER: And then we just, look at it and say no.

COMM. J. ORAZIETTI: I think it's, uh, what it, what's it cost for an A-2 survey now per pin?

COMM. B. VASSER: Honestly, I'm not even sure.

COMM. J. ORAZIETTI: Six hundred bucks?

CHAIRMAN E. CONKLIN: I, I have been,

(MULTIPLE VOICES; UNCLEAR)

COMM. J. ORAZIETTI: Something like that?

CHAIRMAN E. CONKLIN: Yeah, so

COMM. B. VASSER: It's not cheap. Not cheap.

COMM. J. ORAZIETTI: So, so you're talking, uh, you know to get a more precise - cause, right now, I'm, I'm inclined to say no. There's, there's, there's, I, I, I don't see the hardship here other than reason for expansion of a house.

CHAIRMAN E. CONKLIN: Well, the lot is a little skewed, but on the other hand, we can move it and possibly do other adjustments.

COMM. J. ORAZIETTI: If you have an A-2 survey you could say and, and, we want to act as builders,

CHAIRMAN E. CONKLIN: Um-hmm. We'll here

COMM. J. ORAZIETTI: If, if, if you wanted, if you wanted to be, get an A-2 survey. Get a builder, put out your plans. I, I, I don't know - do you guys have plans down there that I don't have down here?

CHAIRMAN E. CONKLIN: No.

COMM. B. VASSER: No.

COMM. J. ORAZIETTI: Okay. So, I don't see anything here. I, I don't, I don't have it in front of me. So, unless you came before me and you said, "Hey, listen, you know, here's, here's how we're gonna, we're gonna situate it." How big is that garage going to be? Are, are you going 18 feet or you going 19 feet? You going 19 and 1/2 feet? Going 19 and 3/4? What, what, what are you, I, I, I don't have anything.

COMM. B. VASSER: Let's, let's say,

COMM. J. ORAZIETTI: And you want me to make an adjustment on that? And I, I can't do that. I can't bring myself to do that. A-2 survey would help show

COMM. B. VASSER: Sure it would.

COMM. J. ORAZIETTI: Maybe, maybe we could tweak an A-2 survey but I'm not the, I'm not the design-builder here.

COMM. B. VASSER: Well, let's go into the future for a second, all right. They come in and give us the information, the measurements that are derived from pins that were put in by a surveyor. All right. We decide, well, maybe we can move it forward four or five feet. We get this thing 25, 30 feet away from the property line. It's real close. Everybody's happy. Some arborvitaes go in. Everybody's, everyone plays nice. Okay? That way, there's no \$2,000 spent. Okay? We ask for an A-2 survey. They spend \$2,000. They come back in. We find out we can still move it forward. Everyone plays nice or we don't. Right? One way they spend two grand to get the same information, the other way they don't. You're still going to have the same information. Because if we say no, then they spend the two grand, and three grand or whatever it is

COMM. J. ORAZIETTI: I, I, I,

COMM. B. VASSER: That's what I'm trying to avoid.

COMM. J. ORAZIETTI: I totally, I, I, I totally understand where you're coming from but at the same time an A-2 survey adds value to your home because it's there for anybody else to see. When you go, if you go to sell that property, I know, I've done this a few times myself. I've had A-2 surveys. They, before I go to sell a property somebody wants to see it. They want to know exactly where everything is. They want to know where that rock is; they want to know where that septic system is.

COMM. B. VASSER: If you're going to sell it in 2 or 3 years, sure.

COMM. B. VASSER: They wanted, you know what? I went just went through this, we had to move steps two feet, two feet. And I had to get an A-2 survey for that to show that they were moved two feet. So, I'm, I'm just saying. It's not the burden, the burden lies on the applicant, not the neighbor. The applicant.

COMM. B. VASSER: No, I'm not; I don't think it lies on the neighbor at all.

CHAIRMAN E. CONKLIN: And actually he can request a survey of strictly this side of his property since there's pins there already. They're just looking to measure off that side.

COMM. J. ORAZIETTI: Yeah, it's, it's not hard for a, a surveyor to come out there and give you

COMM. B. VASSER: Hey, rock and roll.

COMM. J. ORAZIETTI: I, I know that.

COMM. B. VASSER: You have your opinion. I have mine.

COMM. J. ORAZIETTI: If, if you don't want to do that, then, then the addition isn't that important.

COMM. B. VASSER: I'd love to have an A-2 survey. I'm just trying to avoid him spending more money.

(MULTIPLE VOICES; UNCLEAR)

COMM. J. ORAZIETTI: And I'm gonna say no. It's, it's, it, it, it's part of, it's part of the process.

CHAIRMAN E. CONKLIN: All right. Next month,

RICHARD SHOMSKY: Excuse me.

CHAIRMAN E. CONKLIN: We have to have some sort of, delineage exactly where this building

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: Is sitting

RICHARD SHOMSKY: But, can we

CHAIRMAN E. CONKLIN: On this property.

RICHARD SHOMSKY: Just go off, like when moved in and I worked on the yard, he came over and he told me this is the pin. That's the property line from here to the telephone pole.

CHAIRMAN E. CONKLIN: Right.

L. SHOMSKY: So, if he's happy with that pin, can't we all go off that?

RICHARD SHOMSKY: Be happy with that pin.

CHAIRMAN E. CONKLIN: That's a decision you're going to have to make of how you want to do the measurements and bring it back to us.

RICHARD SHOMSKY: If that's all right with you.

CHAIRMAN E. CONKLIN: Okay. Well, they're legal pins. They're legal, definitive pins or steel pins,

L. SHOMSKY: Right. So, why,

CHAIRMAN E. CONKLIN: Put in by a surveyor.

L. SHOMSKY: Do them again?

CHAIRMAN E. CONKLIN: They're legal pins. Uh, so it's up, it's up to you how you want to make your measurements but we need better measurements for next month.

L. SHOMSKY: Um-hmm. Okay.

CHAIRMAN E. CONKLIN: Whether you want to go out and get the survey of your side of the yard or whether you want to go off of his pins that his pins that he's got there, and make sure you show us how you got those measurements,

RICHARD SHOMSKY: Right.

CHAIRMAN E. CONKLIN: And things of that nature.

L. SHOMSKY: And drawings.

CHAIRMAN E. CONKLIN: Okay, and, and, and have a official drawing done of exactly where

L. SHOMSKY: Well, they didn't tell us to bring drawings. They said, "Bring pictures front, back, side, and side."

COMM. B. VASSER: Do we ask for an A-2 survey?

COMM. J. ORAZIETTI: I thought our

CHAIRMAN E. CONKLIN: We have asked for them in the past.

COMM. B. VASSER: Is it a requirement?

L. SHOMSKY: It's not on

CHAIRMAN E. CONKLIN: No. It's not a requirement. No. No.

COMM. J. ORAZIETTI: We can ask for A-2 surveys.

CHAIRMAN E. CONKLIN: Depending on where the property things are,

COMM. B. VASSER: I thought we did, too.

COMM. J. ORAZIETTI: I thought we changed that January, as of January 1.

L. SHOMSKY: (*UNCLEAR*)

CHAIRMAN E. CONKLIN: No, we never asked for an,

COMM. J. ORAZIETTI: We never changed that?

CHAIRMAN E. CONKLIN: No. Won't ask for, the city won't, the city attorney wouldn't allow that. I could, I could tell you he won't allow that.

COMM. B. VASSER: Okay.

CHAIRMAN E. CONKLIN: That's, you know,

COMM. J. ORAZIETTI: Just makes it harder for me to make a decision.

CHAIRMAN E. CONKLIN: Yeah.

VIRAF COMMISARIAT: In this, in this, in this whole decision of yours, where does it leave me now? You asked Mr. Shomsky to get, get an A-2 survey or whatever. I am basically, uh, I won't say at the mercy but I; I basically have to then say, "Okay. There is this line somewhere that somebody has, has um, measured and kind of gave you the measurements." Do I need to do something on my end now to have another surveyor come and

CHAIRMAN E. CONKLIN: No.

VIRAF COMMISARIAT: And, and make sure that everything is kosher or not?

COMM. B. VASSER: Well, you, you said you had a surveyor come and put pins in already.

VIRAF COMMISARIAT: Yes.

COMM. B. VASSER: So, the property line is identified.

VIRAF COMMISARIAT: I have the drawing for it, too.

COMM. B. VASSER: It, was it, oh, that

VIRAF COMMISARIAT: I have the drawing.

COMM. B. VASSER: The drawing uh, is, is just a line between two properties. I don't, I don't know that there's a measurement from

CHAIRMAN E. CONKLIN: It might be showing.

COMM. B. VASSER: That line to the house, to the Shomsky's house. That's what we're looking for.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: If it's not there, then the drawing's irrelevant.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: We need, we need the, we need the, the line drawn between the pins, physical measurements taken at a minimum. And that information brought in.

CHAIRMAN E. CONKLIN: You have nothing to, in all honesty,

(MULTIPLE VOICES; UNCLEAR)

VIRAF COMMISARIAT: Can, can I go in and do my own measurements, also, on his property?

COMM. B. VASSER: You have to ask the Shomsky's. You'd be going on their property.

RICHARD SHOMSKY: You can measure whatever.

(LAUGHTER)

RICHARD SHOMSKY: Me and you both can go out there and measure it!

(LAUGHTER)

RICHARD SHOMSKY: I'm sorry.

(MULTIPLE VOICES; UNCLEAR)

CHAIRMAN E. CONKLIN: In all honesty, that would be a better

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

CHAIRMAN E. CONKLIN: Okay. Hold on one second, please.

COMM. B. VASSER: We're old school, really.

CHAIRMAN E. CONKLIN: You set?

CLERK T. KELLY: Okay.

COMM. B. VASSER: Are we good?

CLERK T. KELLY: Just say it again. Right.

VIRAF COMMISARIAT: I would honestly want a different solution to this like I said. There is, there is space on that property. There is space in the front, space on, on the back, space on the side. It doesn't have to be on my side, okay? I mean,

CHAIRMAN E. CONKLIN: Well, that's a decision we'll make. If you two work together to get the measurements and we - I think certain members would feel much better about it.

COMM. J. ORAZIETTI: I would, I would, I would definitely feel better if

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: The two parties involved came up with the same measurements. House-to-house, house-to-house, house to boundary, boundary to house. You follow me? I don't want to get

CHAIRMAN E. CONKLIN: Well, house-to-house doesn't, isn't,

COMM. J. ORAZIETTI: I don't want to get two sets of measurements. I, I, I could send guys out anywhere and get two sets of measurements on the same property.

CHAIRMAN E. CONKLIN: Yeah.

COMM. J. ORAZIETTI: It would be one set of measurements and that's where the A-2 survey comes in. If you guys want to do it together and you come in, you both agree this is the measurements, this is the distance from your house to his house. This is the distance from

CHAIRMAN E. CONKLIN: Well, he can't,

COMM. J. ORAZIETTI: Your house to the pin.

CHAIRMAN E. CONKLIN: Well, legally his house to his house has no bearing on testimony.

COMM. J. ORAZIETTI: Well, then how, how would we know where the pin is?

CHAIRMAN E. CONKLIN: What's that?

COMM. J. ORAZIETTI: How would I know exactly where the pin is?

COMM. B. VASSER: It's physically there.

CHAIRMAN E. CONKLIN: Because the pins are in the ground. They're surveyor pins. That are legal pins.

COMM. J. ORAZIETTI: Ed, you're, you're - I must have grew up in a different neighborhood. I've seen pins moved all the time.

VIRAF COMMISARIAT: Can, can I ask Mr. Shomsky - Mr. Shomsky, is the pin still there?

RICHARD SHOMSKY: The white pin in the back. And it goes up to the telephone pole.

VIRAF COMMISARIAT: It's still there?

RICHARD SHOMSKY: Yeah, I was looking at it today. I'm not going to move it.

VIRAF COMMISARIAT: No, no, no I'm just asking.

RICHARD SHOMSKY: Yeah.

VIRAF COMMISARIAT: Because you know, I don't, I don't come and keep uh, I don't keep on coming and watching my pin there.

(LAUGHTER)

VIRAF COMMISARIAT: It's there. I, I never knew that this kind of a issue came up. So, there was no reason for me to, you know, there are, as far as I know, there is, I think it's called a something stone.

L. SHOMSKY: Monument.

CHAIRMAN E. CONKLIN: Monument.

VIRAF COMMISARIAT: Monument. There's a monument. Then there is one pin.

CHAIRMAN E. CONKLIN: Where's the monument?

VIRAF COMMISARIAT: The monument is at, right at the street. There's a, there's a,

CHAIRMAN E. CONKLIN: Oh, so he was able to – did he put the monument in? Or was it existing?

VIRAF COMMISARIAT: No, the monument was there from before.

CHAIRMAN E. CONKLIN: Oh, so you, you've got a, a good point.

VIRAF COMMISARIAT: Right.

CHAIRMAN E. CONKLIN: To go off of.

COMM. B. VASSER: Well, you know the trees are on your property, right?

VIRAF COMMISARIAT: Yes.

COMM. B. VASSER: If they all of a sudden appear on the Shomsky's property you know there's a problem!

(LAUGHTER)

COMM. B. VASSER: Okay, so,

VIRAF COMMISARIAT: So, so, so there's one pin somewhere?

CHAIRMAN E. CONKLIN: Yeah.

VIRAF COMMISARIAT: In the middle of that line and then there's one pin all the way at the, at the end of that line. And as far, and I, I've never really walked to that end to even see, you know if Mr. Shomsky has anything there or not. But I don't believe he does.

RICHARD SHOMSKY: I never walk back there.

CHAIRMAN E. CONKLIN: Okay. So, the, so the

CHAIRMAN E. CONKLIN: The monument's right between your two properties to start with, (for the surveyor to start off?)

RICHARD SHOMSKY: And there's a white pin in the middle.

CHAIRMAN E. CONKLIN: Yeah. Okay. So,

RICHARD SHOMSKY: Monument, pin, and I, I think a monument by the stonewall. I never looked for that one.

COMM. B. VASSER: So, we don't know what we're going to decide. All right. We just want all the facts.

(COMM. VASSER AND COMM. J. ORAZIETTI VOICES TALKING AT THE SAME TIME; UNCLEAR)

COMM. B. VASSER: So, you guys bring us all the facts, and you guys

COMM. J. ORAZIETTI: Any, any necessary

RICHARD SHOMSKY: Right. Neither do I.

COMM. B. VASSER: We'll actually have enough facts to make a decision.

CHAIRMAN E. CONKLIN: All right. So, we're going to continue this hearing to next month.

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: Get us back that information if you would, please.

RICHARD SHOMSKY: So, you want the pictures drawn, you know,

CHAIRMAN E. CONKLIN: Architectural sort of picture of the house, what it's going to look like.

RICHARD SHOMSKY: Oh, it's got to be architectural pictures?

CHAIRMAN E. CONKLIN: Well, it,

RICHARD SHOMSKY: Measured to scale?

CHAIRMAN E. CONKLIN: Well, yeah, it's a drawing of what he's,

L. SHOMSKY: He draws em.

RICHARD SHOMSKY: Yeah.

CHAIRMAN E. CONKLIN: Right, okay.

RICHARD SHOMSKY: Yeah.

L. SHOMSKY: But,

RICHARD SHOMSKY: Drawing.

COMM. B. VASSER: The drawing.

L. SHOMSKY: Just not a professional architect.

COMM. B. VASSER: And then, and then uh, the, the, a drawing of the overhead that shows the dimensions that you folks

L. SHOMSKY: Um-hmm. Absolutely.

CHAIRMAN E. CONKLIN: Okay?

COMM. B. VASSER: Okay. All right.

L. SHOMSKY: Absolutely.

CHAIRMAN E. CONKLIN: All right. Thank you.

L. SHOMSKY: Thank you.

CHAIRMAN E. CONKLIN: Uh, continue this hearing next month. Okay, held on the third Tuesday starting at 7:30.

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: Okay?

L. SHOMSKY: Thank you.

CHAIRMAN E. CONKLIN: All right. All right. Do you guys got any more paperwork down there?

(MULTIPLE VOICES; UNCLEAR)

COMM. B. VASSER: Consider all

L. SHOMSKY: Thank you.

RICHARD SHOMSKY: Thanks.

CHAIRMAN E. CONKLIN: All right. Thank you.

- - -
(HEARING CONTINUED)
- - -

#0419-02 49 Cribbins Avenue, Meghan Kilcoyne of 49 Cribbins Avenue for a variance to Section 24, Schedule B, Lines 8 & 9 to reduce the minimum setback from the left side line from the required 8 feet to 5 feet in order to construct an above ground pool measuring 12' x 18' and a deck measuring 12' x 12' in an R-4 zone.

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

MEGHAN KILCOYNE: Meghan Kilcoyne, 49 Cribbins Avenue, Shelton, CT, 06484.

CHAIRMAN E. CONKLIN: Do you have pictures for us? Oh, okay. All right. You guys got some documents down there, right? And you should have a folder that's got some of the documents in there.

COMM. J. ORAZIETTI: No.

CHAIRMAN E. CONKLIN: All right. Tell us what you're trying to do.

MEGHAN KILCOYNE: Uh, we're looking to build a deck and pool, aboveground pool off our enclosed porch in the back.

CHAIRMAN E. CONKLIN: Okay.

MEGHAN KILCOYNE: On the left side, here.

COMM. B. VASSER: Is there any reason why you couldn't bring the pool in closer and have the deck sort of wrap around?

MEGHAN KILCOYNE: Uh, then it would be more of like a narrow - we were looking for like a dining area.

COMM. B. VASSER: Oh, I see.

MEGHAN KILCOYNE: Which would be kind of too narrow to do anything with.

CHAIRMAN E. CONKLIN: For what?

MEGHAN KILCOYNE: Like a dining thing just so you could eat outside for dinner.

CHAIRMAN E. CONKLIN: Well. You could bring the deck across the back of the pool.

COMM. B. VASSER: Well,

MEGHAN KILCOYNE: I think either way, I think our backyard is, that's like the biggest part of our yard that we're looking to do it. The backyard is narrower and the right side yard is narrower, so either way we would need a variance somewhere.

COMM. B. VASSER: Well, yeah, it's not, I mean this isn't, I don't know where the property line falls here. But, you know, say you, you uh, brought the pool in a bit and brought this deck over, uh, maybe uh, you're going to lose uh, 3 feet, 3, 4 feet and bring over 4 feet here, tuck the pool in, you'd have the same 12 x 12 area, plus a little additional there. I don't know where,

MEGHAN KILCOYNE: I believe then we need a variance for the 25 feet on the back.

COMM. B. VASSER: Um, the back or the side? Oh, this is the back.

MEGHAN KILCOYNE: The back rear.

COMM. B. VASSER: This is the sideline. Okay. So, you would need a variance here, that's what you're saying.

MEGHAN KILCOYNE: Um-hmm.

CHAIRMAN E. CONKLIN: Cause I was looking at the existing house that was back here

COMM. J. ORAZIETTI: A lot of papers.

MEGHAN KILCOYNE: Sorry?

CHAIRMAN E. CONKLIN: I was, I was, I would, the way he was suggesting it, that's why I was looking at the house back here, thinking the same thing, where the deck

MEGHAN KILCOYNE: Well, that, it

CHAIRMAN E. CONKLIN: Can be moved behind the pool.

MEGHAN KILCOYNE: The drawing right there is a little off but we are doing it from the enclosed porch. So, that, that back right here is the enclosed porch. This is where the door comes out.

CHAIRMAN E. CONKLIN: Okay.

MEGHAN KILCOYNE: So, this, my husband just did that, um, but it will come out from the back of the back of the house straight.

CHAIRMAN E. CONKLIN: Oh, so this pool is not even with the front. It's moved back.

MEGHAN KILCOYNE: Exactly.

COMM. B. VASSER: Can pools be on the side of a house?

CHAIRMAN E. CONKLIN: Cannot be beyond the front of the house.

COMM. B. VASSER: Do you have any screening or anything, trees or anything?

CHAIRMAN E. CONKLIN: Well, we can recommend that.

COMM. B. VASSER: I didn't know if it was a, a requirement.

CHAIRMAN E. CONKLIN: Yeah. So, it's not a requirement. Where is the pump and filter going?

MEGHAN KILCOYNE: I believe in the front, over here, cause we are going to be, we're planning on putting a fence, to, from the front. We have a big tree in our front yard right here.

CHAIRMAN E. CONKLIN: Okay.

MEGHAN KILCOYNE: So, right behind the tree we're planning on fencing it off to meet the pool requirements. So, everything, the pump and everything would be on the forward side, the street side of the pool covered by a fence.

CHAIRMAN E. CONKLIN: So, your neighbors have a pool that's up against their property line in the back.

MEGHAN KILCOYNE: It's touching our property line.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: This is the house here?

CHAIRMAN E. CONKLIN: No, this is the house right here.

COMM. B. VASSER: Oh.

CHAIRMAN E. CONKLIN: So, their pool, this is the house behind where they have a pool, it's not showing on here but it looks like it's about, it's in the corner here.

MEGHAN KILCOYNE: Yeah.

COMM. B. VASSER: So, the pool's going to be over here?

CHAIRMAN E. CONKLIN: Yup.

COMM. J. ORAZIETTI: This is uh, let's see, this is Koniak live behind. And the pool,

COMM. B. VASSER: Pools over here.

COMM. J. ORAZIETTI: Yeah, this is where they're going to probably put the deck. Let's see, the condos are here. Let's see that. They want to put the pump out in front, put a fence up,

MEGHAN KILCOYNE: We already have a fence between the neighbors, we just, we're planning on putting a fence, um from the street like, like blocking in our yard.

COMM. B. VASSER: Crosshair like this?

COMM. J. ORAZIETTI: Right, in the front.

COMM. B. VASSER: Yeah.

COMM. J. ORAZIETTI: And then going down,

COMM. B. VASSER: What kind of a fence is that going to be? Solid or is it chain link?

MEGHAN KILCOYNE: Same as the side, a wood picket. Tall, 6-foot.

COMM. J. ORAZIETTI: What, so, aboveground pool, right?

COMM. B. VASSER: So, it's a privacy fence?

MEGHAN KILCOYNE: Privacy fence, correct.

COMM. J. ORAZIETTI: Aboveground, right?

MEGHAN KILCOYNE: Above.

COMM. J. ORAZIETTI: Yeah, so it has to be a minimum of a 6-foot fence. 4-foot pool? 52?

MEGHAN KILCOYNE: 52.

COMM. J. ORAZIETTI: So, that doesn't require a fence, then.

MEGHAN KILCOYNE: Um, well, I mean, we have two small kids. We want a fence.

COMM. J. ORAZIETTI: Right. 52 doesn't; 52 pool doesn't require a fence but the 4-foot pool does. That's why they go to the 52. Well, that's why the pool industry went to 52.

COMM. B. VASSER: What's the setback off the rear?

CHAIRMAN E. CONKLIN: 25 feet isn't it. Rear, rear property line, 25 feet.

COMM. B. VASSER: That seems like they have enough room, I don't know.

CHAIRMAN E. CONKLIN: I'd say, off-hand, that's probably,

COMM. B. VASSER: If only we had an A-2 survey.

MEGHAN KILCOYNE: We have um,

CHAIRMAN E. CONKLIN: It's a 50 x 100 lot? Or 50 x 50 lot? Or, 50 x 100 lot. It's 100 x 100 lot, okay.

COMM. J. JONES: I see lots of pools in the neighborhood.

CHAIRMAN E. CONKLIN: Yeah.

MEGHAN KILCOYNE: And this side

CHAIRMAN E. CONKLIN: Yeah, but here all in the back, though. I would, why, why aren't you wanting to move this in the back?

MEGHAN KILCOYNE: Our house is, our house completely shades the back yard. So, having, I mean, I know it's not a hardship, but that pool, we wouldn't want a pool in the shade. Completely in the shade. There's never sun back there.

CHAIRMAN E. CONKLIN: I don't see a sun here either.

MEGHAN KILCOYNE: We, it might be the time of the, I don't know but that's where we have the most on the two side yards is where we have we get sun. And the side yard it's too narrow to do anything. We've have the garage there.

CHAIRMAN E. CONKLIN: All right.

MEGHAN KILCOYNE: And I think in the aerial view, the, the prior, there's lots of trees there and they had them cut down. I don't know, I think there's still trees in that picture. I don't know,

CHAIRMAN E. CONKLIN: Yeah, the one tree you can see here is overgrowing the road. And what is that in this picture here right now, a small pool, or?

MEGHAN KILCOYNE: That's from the prior neighbors.

CHAIRMAN E. CONKLIN: Oh, that's

MEGHAN KILCOYNE: They, that, they had a round pool there.

CHAIRMAN E. CONKLIN: Okay.

MEGHAN KILCOYNE: There's, you can see, when we moved in there's this dead patch of grass in a circle.

CHAIRMAN E. CONKLIN: So, they had, what's this in the backyard they had back then?

MEGHAN KILCOYNE: A play set? Wait, I'm sorry. Where's that?

CHAIRMAN E. CONKLIN: What's that? They look, there's two blue things.

MEGHAN KILCOYNE: There's, there's a play set.

CHAIRMAN E. CONKLIN: Well, there

MEGHAN KILCOYNE: Honestly, this picture isn't from us so I'm not sure what was there. I know they had a pool in the back corner um; the pools were right next to each other.

CHAIRMAN E. CONKLIN: Okay. So, it was an existing pool.

COMM. B. VASSER: How far back from the front of the house would the, from the, the front of the pool begin?

MEGHAN KILCOYNE: I'm sorry?

COMM. B. VASSER: How far back from the, this is the front of the house, right?

MEGHAN KILCOYNE: I believe it's about 30 feet.

COMM. B. VASSER: About 30 feet?

MEGHAN KILCOYNE: I believe.

COMM. B. VASSER: But it doesn't come off the back of the house at all? It's, it's, it's level with the

MEGHAN KILCOYNE: It's straight back with the back of the house.

COMM. B. VASSER: So, it's straight back. But there is a, so this, it's going to come out, it's going to be here, right?

MEGHAN KILCOYNE: Um-hmm.

COMM. B. VASSER: So, it's gonna come, something, something like this.

MEGHAN KILCOYNE: Um-hmm.

COMM. B. VASSER: Something like that?

(MULTIPLE, QUIET VOICES; UNCLEAR)

COMM. B. VASSER: The deck's gonna run up to the door. Is that, is that a walkout?

MEGHAN KILCOYNE: Yeah. There's a square right here and then the pool's going to be like right,

(MULTIPLE VOICES; UNCLEAR)

COMM. J. ORAZIETTI: This house right here.

MEGHAN KILCOYNE: Yeah, I think it's something like that.

COMM. B. VASSER: Like right next to, like this.

MEGHAN KILCOYNE: The pool comes out longer than deck.

COMM. B. VASSER: So, you're something like this.

MEGHAN KILCOYNE: Correct.

COMM. B. VASSER: And you say you would need a variance if you came back a little bit here?

MEGHAN KILCOYNE: That's what our, um, the person who came to measure

CHAIRMAN E. CONKLIN: I'd say for the backyard, it probably, it's 100 feet so if the house is

MEGHAN KILCOYNE: We figured.

CHAIRMAN E. CONKLIN: 32 feet wide. Say if it's 24 to 32 feet wide, okay so that leaves you with, well, there, there should be

COMM. J. ORAZIETTI: What's the size of the pool? Is it?

MEGHAN KILCOYNE: 12 by 18.

COMM. J. ORAZIETTI: 12 by 18? Nice.

CHAIRMAN E. CONKLIN: Yeah, width wise is

COMM. J. ORAZIETTI: I used to sell them, I

MEGHAN KILCOYNE: Hmm?

CHAIRMAN E. CONKLIN: I mean, that's one thing that you're saying that, I'd rather see it more toward the back of the house than the front of the house.

COMM. B. VASSER: Personally, I

MEGHAN KILCOYNE: Well, we just thought that if we would need a variance either way, that we would like to keep our whole yard open in the back and then have this completely on the side. Does that make sense? To have, you know, an open space for the kids to play?

COMM. B. VASSER: Yeah, but, but if you have the space here, right, and you're able to come, if you, if you were able to come off the back a little bit to give you, uh, a large square area,

MEGHAN KILCOYNE: Um-hmm.

COMM. B. VASSER: And you could even have steps going both directions, you know. And then you could, you could then tuck the pool in a little bit closer to the house and you could, you may be able to avoid a variance altogether. I just don't know what this distance is.

MEGHAN KILCOYNE: Um-hmm.

COMM. B. VASSER: You know? And I don't know that unless you have the property line in the back identified in some way - I don't know how we can find that information out.

CHAIRMAN E. CONKLIN: This says 32 feet, yeah.

COMM. B. VASSER: That house is 32 feet?

CHAIRMAN E. CONKLIN: Yeah, according to this. Cause it's

COMM. B. VASSER: So, what does that leave you, about 68 feet? 68 feet if it's centered, I don't know if it's centered.

CHAIRMAN E. CONKLIN: Yeah, I got 40; according to this it's 46 in the front, 30 in the back.

COMM. B. VASSER: Okay. So, they could come 5 feet up,

CHAIRMAN E. CONKLIN: And we give a lot more variances in the backyard for pools, in these, in these

COMM. B. VASSER: What is the setback?

CHAIRMAN E. CONKLIN: Small lots.

COMM. B. VASSER: Oh, the setback, is the setback requirement 30 in the back?

CHAIRMAN E. CONKLIN: No, it's 25.

COMM. B. VASSER: It's 25. So, you can come back 5 feet. If those dimensions are accurate. And then you could come back, you know, 4 to 5 feet here. Then, you'd be able to tuck it in just a little bit and, and, you know, 3 feet and you wouldn't even need a variance at all.

CHAIRMAN E. CONKLIN: Still gonna need something in those areas but we've given a lot more variances in the backyards of these properties than in the front due to

MEGHAN KILCOYNE: We also, um, we also have a um, propane tank right here.

CHAIRMAN E. CONKLIN: A what?

MEGHAN KILCOYNE: A propane tank.

CHAIRMAN E. CONKLIN: Propane? Yeah.

MEGHAN KILCOYNE: For our propane, um, so at the, I guess when the person came to see for the deck he said we had to avoid that, so maybe that's why he said we couldn't?

CHAIRMAN E. CONKLIN: The propane for, uh, is for what?

MEGHAN KILCOYNE: Stove.

CHAIRMAN E. CONKLIN: Your stove.

MEGHAN KILCOYNE: Um-hmm.

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: Well, that's an access issue.

CHAIRMAN E. CONKLIN: What's that?

COMM. B. VASSER: You got to have access around the propane tanks so if the pool gets too close.

CHAIRMAN E. CONKLIN: Yeah. Uh, all right.

COMM. J. ORAZIETTI: There's gas on the street, right?

MEGHAN KILCOYNE: Sorry?

COMM. J. ORAZIETTI: There's gas on the street? On your street?

MEGHAN KILCOYNE: Oh, yes.

CHAIRMAN E. CONKLIN: Okay. Any questions, Linda?

COMM. L. ADANTI: No.

CHAIRMAN E. CONKLIN: All right.

COMM. B. VASSER: So, the fence, I just want to clarify, the fence is going to be a privacy fence, 6 feet tall?

MEGHAN KILCOYNE: Correct. We have a privacy fence on this side. We're gonna match it in the front with a gate. We have uh; this black part is the (snug?) walkway that we have that goes to the back porch. We'll be keeping that and putting a gate right at the um, walkway.

CHAIRMAN E. CONKLIN: And that's the reason, the only reason why you don't move more toward the back is, and also the filter should be - the filter is going to be, you say, in the front?

MEGHAN KILCOYNE: Correct.

CHAIRMAN E. CONKLIN: Okay. Cause we won't, we won't allow it on this side.

MEGHAN KILCOYNE: Well, yeah I want to walk through on that side anyway.

CHAIRMAN E. CONKLIN: Well, besides that it encroaches more on a neighbor with that. All right. Any other questions?

MULTIPLE VOICES: Nuh-uh.

CHAIRMAN E. CONKLIN: Okay.

COMM. B. VASSER: Can the pump be in the back?

CHAIRMAN E. CONKLIN: What's that?

COMM. B. VASSER: Can the pump be in the back? Back here?

MEGHAN KILCOYNE: I mean, it could, I guess, right?

COMM. B. VASSER: I'm just asking. I don't know.

MEGHAN KILCOYNE: I don't think it couldn't. We could put it in the back.

COMM. B. VASSER: Less visible.

COMM. J. ORAZIETTI: You don't, you don't have electricity out there, right now currently, right?

MEGHAN KILCOYNE: No.

COMM. J. ORAZIETTI: So, you're going to be running the electricity.

MEGHAN KILCOYNE: Exactly.

COMM. J. ORAZIETTI: So, that's at your option. Put the pump where it needs to go.

MEGHAN KILCOYNE: Um-hmm. We haven't talked to an electrician yet so they, they told us this was the first step.

CHAIRMAN E. CONKLIN: Okay. Uh, anybody in favor of this application? Anybody in favor of this application? Any opposed? Any opposed? All right. Any other questions? Okay. Other questions? I declare the hearing closed. All right. Thank you.

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Later that evening, upon motion made by Commissioner Jones and seconded by Commissioner Vasser, the Board unanimously voted to approve the variance with stipulations. "In the application by Meghan Kilcoyne of 49 Cribbins Avenue for a variance to Section 24, Schedule B, Lines 8 & 9 to reduce the minimum setback from the left side line from the required 8 feet to 5 feet in order to construct an above ground pool measuring 12' x 18' and a deck measuring 12' x 12',

the application for a variance is approved.

Inasmuch as the shape of the property does not allow for a pool and deck to be located anywhere else without needing another variance. Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Lines 8 & 9 to reduce the minimum setback from the left side line from the required 8 feet to 5 feet in order to construct an above ground pool measuring 12' x 18' and a deck measuring 12' x 12'.

This certificate is contingent upon the following stipulations: 1. The variance is granted for the construction of an above ground pool only. 2. Pump, filters and heater shall be on the back yard side of the pool and not in the variance area. 3. All necessary permits shall be pulled and safety measures followed. 4. A 6-foot, privacy fence shall be constructed in the front so there is no view of the pool from the street.

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 Adanti and seconded by Commissioner Oraziatti to approve the minutes from the March 19, 2019 hearing as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 8:45 P.M.

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