

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, May 21, 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**
- #0519-01 47 Sorghum Road, Kimberly Criscuolo of 47 Sorghum Road**

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the May 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, Commissioner Linda Adanti; Tina Kelly, our clerk; myself, Chair Ed Conklin; to my right is Commissioner Jamie Jones, to his right is Vice-Chairman Phillip Cavallaro, 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, May 21, 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 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. The applicant is not here, correct? Okay, this is still continued to next month uh, due to he's still negotiating with the city to try and uh, do something with that paper street.

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(HEARING CONTINUED)
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COMM. J. JONES:

#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. This is also continued.

CHAIRMAN E. CONKLIN: Ok is the applicant here? All right come up to the table.

RICHARD SHOMSKY: Uh, Richard Shomsky, 10 Cloverdale Avenue,

CHAIRMAN E. CONKLIN: Have a seat.

RICHARD SHOMSKY: Shelton, CT.

UNIDENTIFIED VOICE #1 FROM AUDIENCE: Can I come up too?

COMMISSIONER LINDA ADANTI: Sure.

RICHARD SHOMSKY: Yeah. C'mon (*Barb?; unclear*)

CHAIRMAN E. CONKLIN: Uh, last month we had a couple items on the ta--item on the table. One was possibly sliding the garage forward. Second was the discussion with the neighbors and possibly trying to come up with a solution to um, cover in between the two lots - uh have you any discussion with them, or?

UNIDENTIFIED VOICE: Well,

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

ART CAPOZZI: Art Capozzy, uh, 264 Barn Hill Road Monroe. I'm a friend of the family and they asked me to built it for them.

CHAIRMAN E. CONKLIN: Okay. You're the contractor?

ART CAPOZZI: Yes.

CHAIRMAN E. CONKLIN: Okay.

CLERK T. KELLY: It's C-A-P?

ART CAPOZZI: O-Z-Z-I.

CLERK T. KELLY: Okay.

ART CAPOZZI: Art. When we first proposed this I went to the uh, zoning, uh, department and they spoke to the gentleman and he um, ran off a copy and we filled out the paperwork and I did a, I, I scaled it, I had my my uh, ruler. We scaled it to 18 feet and I presented it to you as 18 feet. Since then, we've found the actual um, property line and found mistakes. And this is the modification. It's 10 feet and because of this angle, it's 18 feet and 30 feet. But that's what we found which I was not aware of the first time we made the presentation.

CHAIRMAN E. CONKLIN: Okay, so right now the variance was to 18 feet the reduction, now you're asking for

ART CAPOZZI: 10.

CHAIRMAN E. CONKLIN: 10 feet.

ART CAPOZZI: Right

RICHARD SHOMSKY: 18 feet to 10 because the lot's on an angle.

CHAIRMAN E. CONKLIN: But it's... you take the shortest point.

RICHARD SHOMSKY: Oh. Okay.

CHAIRMAN E. CONKLIN: That's where the maximum variance is.

RICHARD SHOMSKY: Okay.

UNIDENTIFIED VOICE #2 FROM AUDIENCE: Excuse me, sir,

CHAIRMAN E. CONKLIN: So, the problem with this, this application right now. The problem with this application right now - it's not a valid application due to the fact that you're now applying for - this is drastically changed.

RICHARD SHOMSKY: Oh.

CHAIRMAN E. CONKLIN: Okay. And we have to advertise this in the paper and it has to be a legal advertisement based upon what you're giving us.

ART CAPOZZI: Right.

RICHARD SHOMSKY: Okay.

CHAIRMAN E. CONKLIN: Okay, so this is becoming an invalid application at this point.

ART CAPOZZI: I understand that.

CHAIRMAN E. CONKLIN: So, we're going to have to put it in front of us and, and um, vote against it without prejudice at this point.

ART CAPOZZI: Okay.

CHAIRMAN E. CONKLIN: Okay. And it has to go forward from there.

ART CAPOZZI: Okay.

CHAIRMAN E. CONKLIN: All right?

ART CAPOZZI: So, we just go through the process again?

CHAIRMAN E. CONKLIN: You're going to have to go through the process again, reducing it way down to 10 feet.

ART CAPOZZI: 10 feet.

CHAIRMAN E. CONKLIN: Okay? All right. We need this, this drawing.

ART CAPOZZI: Yeah.

CHAIRMAN E. CONKLIN: Okay?

ART CAPOZZI: That's it.

CHAIRMAN E. CONKLIN: That's it.

LYNDA SHOMSKY: Thank you.

RICHARD SHOMSKY: Thank you.

CHAIRMAN E. CONKLIN: Thank you. Okay.

UNIDENTIFIED VOICE #3 FROM AUDIENCE: *(Inaudible)*

CHAIRMAN E. CONKLIN: I'm sorry?

UNIDENTIFIED VOICE #3 FROM AUDIENCE: Because even the 10 feet that Mr. Shomsky

CHAIRMAN E. CONKLIN: At this point, the application

UNIDENTIFIED VOICE #3 FROM AUDIENCE: It's not 10 feet. It's 8 feet.

CHAIRMAN E. CONKLIN: Well, that's neither here nor there for right now the application is going to have to be voted down and he has to reapply.

UNIDENTIFIED VOICE #3 FROM AUDIENCE: So, last time you asked for the plot plan, a line - and so on and so forth. I have all of that.

CHAIRMAN E. CONKLIN: Right, but the application's being, is, is going to get voted down because it doesn't meet, it, it's way beyond the scope of what this is. So, he, they're going to have to reapply and re-notify you.

UNIDENTIFIED VOICE #3 FROM AUDIENCE: We agree with you and thank you for, you know, for making the decision. So, now we have to be *(Inaudible)*

CHAIRMAN E. CONKLIN: Well, when they re-apply they're going to send you notification.

COMM. B. VASSER: When they re-apply you'll be re-notified.

UNIDENTIFIED VOICE #3 FROM AUDIENCE: Even this time around we didn't get a, a notice.

CHAIRMAN E. CONKLIN: You aren't going to get one this second - if it's continued there's no second notice.

UNIDENTIFIED VOICE #3 FROM AUDIENCE: Oh, that's why. That's why. Next time we will when they re-apply again?

CHAIRMAN E. CONKLIN: Yes.

COMM. B. VASSER: Yeah, they, they have to send you another mailer. They have to - same thing that happened will happen again.

VICE-CHAIRMAN P. CAVALLARO: Are you an adjacent neighbor?

UNIDENTIFIED VOICE #3 FROM AUDIENCE: Yes.

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

UNIDENTIFIED VOICE #3 FROM AUDIENCE: Thank you.

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Later that evening, upon motion made by Comm. J. Jones and seconded by Vice-Chairman P. Cavallaro, the Board unanimously voted to deny the variance without prejudice. "In the application by Lynda and Richard Shomsky of 10 Cloverdale Avenue, for a variance for section 24 schedule B fly 9 side setbacks to reduce the minimum setback from the right side line to the required 30 feet to 18 feet in order to construct a single story two-car attached garage measuring 24 by 30 feet, the application is denied without prejudice.

Inasmuch as the variance requested at the May 21, 2019 hearing was substantially modified vs. the variance originally requested at the April 16, 2019 hearing.

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CHAIRMAN E. CONKLIN: All right, Jamie.

COMM. J. JONES:

#0519-01 47 Sorghum Road, Kimberly Criscuolo of 47 Sorghum Road for a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the front street line from the required 40' to 19' in order to expand a 2-car garage forward by 10' and construct a single story, attached garage measuring 22' wide in an R-2 zone.

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

UNIDENTIFIED VOICE: How are you?

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

UNIDENTIFIED VOICE: *(Very quiet; inaudible)* Criscuolo.

CHAIRMAN E. CONKLIN: You're going to have to speak up.

KIMBERLY CRISCUOLO: Kimberly Criscuolo.

CHAIRMAN E. CONKLIN: Okay.

KIMBERLY CRISCUOLO: 47 Sorghum Rd.

CHAIRMAN E. CONKLIN: Okay.

KIMBERLY CRISCUOLO: Shelton, CT.

TOMIN KIMCA: (*Inaudible, unclear*): I am the constructor and I am helping her with this case.

CHAIRMAN E. CONKLIN: Okay.

CLERK T. KELLY: Can you spell your first and last name please?

TOMIN KIMCA: T-o-m-i-n K-i-m-c-a.

CLERK T. KELLY: Okay. Thank you. And your, your address?

TOMIN KIMCA: 617 Douglas Drive, Orange, CT.

CLERK T. KELLY: Okay. Very good.

TOMIN KIMCA: And one thing we uh,

CHAIRMAN E. CONKLIN: Uh, before you start we have to have pictures. Do you have pictures of the uh, well there's gotta be of the sides, sides of the property. All right, these pictures are, well, we do have the aerials but the, the pictures should have been in--it says in the directions 'around the whole property.'

TOMIN KIMCA: Oh, it means I have take it from the corner,

CHAIRMAN E. CONKLIN: Well, from the sides. But let's, let's see what we got here. We do have this aerial view which is better than most of the pictures anyway. Okay. Uh, can we use, you, you can have that one back. Okay. Can you just let them have that down at that end of the table for right now?

TOMIN KIMCA: Of course.

CHAIRMAN E. CONKLIN: Cause we have a copy of that for our records. Okay. All right. And a letter for abutting?

.KIMBERLY CRISCUOLO: This is the letter that I sent – because I did not get the letter from,

CHAIRMAN E. CONKLIN: Do you have the receipts?

KIMBERLY CRISCUOLO: No. I didn't uh, send them certified.

CHAIRMAN E. CONKLIN: You have to send them certified.

KIMBERLY CRISCUOLO: I didn't. I didn't have um,

CHAIRMAN E. CONKLIN: It says that right in the directions where you have to send those certified.

VICE-CHAIRMAN P. CAVALLARO: All we need is the receipts that you bought it.

KIMBERLY CRISCUOLO: (*Inaudible*) Oh. That's the letter that they sent me. Yeah. It just says "be sure that you post the enclosed sign." That's what I received.

CHAIRMAN E. CONKLIN: No. It's right in the green copy.

TOMIN KIMCA: Yeah, they

KIMBERLY CRISCUOLO: I didn't.

CLERK T. KELLY: It's on this.

TOMIN KIMCA: Yeah, we uh, I must have thought they would mail it with the names of, because, because, I did to other, other town, I thought they would mail it because to other, other town they give us a list of each person.

CHAIRMAN E. CONKLIN: Right.

TOMIN KIMCA: And I thought she did have it and I didn't follow up.

CHAIRMAN E. CONKLIN: Okay.

TOMIN KIMCA: It means was really my mistake. I didn't follow up with her. But that was, I, I understand because with, with the post, for example, sometimes, uh, they, they send it to the, to the house and say ya know this is the Post and this is the stamps for each neighbor because to one place I have to, have to send 24,

CHAIRMAN E. CONKLIN: Right.

TOMIN KIMCA: Here, here we lucky we have 4, you know. It means

CHAIRMAN E. CONKLIN: 1,2,3 – you have 5, 5 abutting

TOMIN KIMCA: 5, yeah, it means 5.

CHAIRMAN E. CONKLIN: 5 abutting neighbors on this property.

TOMIN KIMCA: Yes, yes.

CHAIRMAN E. CONKLIN: They have to be sent to.

TOMIN KIMCA: Means we did not send them certified she sent it by hand to the, each.

CHAIRMAN E. CONKLIN: Right. They have to be certified.

TOMIN KIMCA: Okay.

CHAIRMAN E. CONKLIN: Okay, legally. I mean you might give your word for it but unfortunately if someone was to take this to court and you didn't, we don't have that document - we're required to have that document. Okay. So, this is going to be continued to next month.

KIMBERLY CRISCUOLO: Okay.

TOMIN KIMCA: It means now to, to, to make it clear, we have to put again the signs in the front of the property?

CHAIRMAN E. CONKLIN: The sign has to stay there.

KIMBERLY CRISCUOLO: And do we have to ten days before the, the hearing, yes?

CHAIRMAN E. CONKLIN: You have to mail certified letters to all of your abutting neighbors, okay? 5, 5 neighbors.

KIMBERLY CRISCUOLO: I'm just going to do the same thing I did now with certified letters.

(Voices talking over each other; unclear)

CHAIRMAN E. CONKLIN: 1, 2, 3, 4 - You only have 4 listed here but there's 5 according to this drawing. 1,2,3 - I'm sorry. There's four.

KIMBERLY CRISCUOLO: Yeah, there's four.

CHAIRMAN E. CONKLIN: There's four. I'm sorry. So you

TOMIN KIMCA: This is the letter *(Inaudible)* when I read

KIMBERLY CRISCUOLO: I, I couldn't use that letter. I had to use this one? *(Inaudible)*

CHAIRMAN E. CONKLIN: What's that?

TOMIN KIMCA: Yeah. We have to be a little more,

CHAIRMAN E. CONKLIN: You have to explain more than that. In that, there's a typical letter that, that gives you what you're, what you're doing, where it's going to be, what you're, you know, abutting, it, it's - you were given a typical draft, right?

TOMIN KIMCA: Yeah, sure.

CHAIRMAN E. CONKLIN: Yeah, yeah.

KIMBERLY CRISCUOLO: Okay.

CHAIRMAN E. CONKLIN: All right?

KIMBERLY CRISCUOLO: That's good. Uh-hmm.

CLERK T. KELLY: (*Whispering to Chairman*) Do you want to ask for more pictures while you're at it?

CHAIRMAN E. CONKLIN: Pardon?

CLERK T. KELLY: Do you want to ask for more pictures while you're at it?

CHAIRMAN E. CONKLIN: Yeah, yeah.

VICE-CHAIRMAN P. CAVALLARO: The important thing is when you do the certified mail, you get the receipt from the Post Office. That's all we need.

KIMBERLY CRISCUOLO: Okay.

VICE-CHAIRMAN P. CAVALLARO: We don't need the card.

CHAIRMAN E. CONKLIN: Right.

VICE-CHAIRMAN P. CAVALLARO: Coming back.

CHAIRMAN E. CONKLIN: Also, we need

VICE-CHAIRMAN P. CAVALLARO: It will say you bought it and sent it.

KIMBERLY CRISCUOLO: Oh, okay.

CHAIRMAN E. CONKLIN: Yeah, we only need the receipt.

KIMBERLY CRISCUOLO: Okay.

CHAIRMAN E. CONKLIN: Also, we need pictures of the side of the house, okay, showing the side and showing you know, distance, you know, if you can get part of the neighbors and their property, and the back of the house looking forward.

TOMIN KIMCA: Okay.

CHAIRMAN E. CONKLIN: Okay?

TOMIN KIMCA: Okay, we will do. Sorry for, for wasting your time.

CHAIRMAN E. CONKLIN: Okay. All right.

COMM. B. VASSER: Do you want to keep these?

CHAIRMAN E. CONKLIN: Yes, we're going to keep those.

KIMBERLY CRISCUOLO: Okay.

TOMIN KIMCA: It's now, now we only we, we have to make to, to the two sides, two pictures from both sides?

CHAIRMAN E. CONKLIN: And the back yard also.

KIMBERLY CRISCUOLO: And I have to do it like this where I can take it print it, uh,

CHAIRMAN E. CONKLIN: You can have them that size.

KIMBERLY CRISCUOLO: Okay.

CHAIRMAN E. CONKLIN: Yeah. They can fit all on one if you want.

KIMBERLY CRISCUOLO: Thank you, again.

CHAIRMAN E. CONKLIN: Okay.

KIMBERLY CRISCUOLO: Have a great night.

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(HEARING CONTINUED)
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NOTE: At this time, two residents approached the Board with their application that they had submitted. Chairman E. Conklin explained that it must have been misplaced somewhere in the process and consequently did not get to ZBA in time for inclusion in the published, Legal Notice/Agenda for this evening's hearing. Chairman E. Conklin informed the applicants that their application would be included in the published, Legal Notice/Agenda for the June 18, 2019 hearing and that they could give their testimony at that time.

OTHER ITEMS OF BUSINESS:

MINUTES - Motion made by Commissioner Oraziotti and seconded by Commissioner Adanti to approve the minutes from the April 16, 2019 hearing as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 7:55 P.M.

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