Agenda:
#0619-02 587 Howe Avenue Map 129B Lot 22, Jerry and Margaret Plonski of 35 Lady Slipper Drive
    (Carried)
#0719-01 34 Rolling Ridge Road, David Sulik of 34 Rolling Ridge Road
#0719-02 148 Hillside Avenue, JEFFREY COSTA of 148 Hillside Avenue
#0719-03 10 Cloverdale Avenue, Lynda and RICHARD Shomsky of 10 Cloverdale Avenue
#0319-01 59 Oronoque Trail, Nathan H. Aho of 59 Oronoque Trail, (Nathan and Heidi Aho, 59 Oronoque Trail, Owners) (Vote Only)
#0519-01 47 Sorghum Road, Kimberly Criscuolo of 47 Sorghum Road (Vote Only)

CHAIRMAN EDMUND CONKLIN
Good evening ladies and gentlemen welcome to the July 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 the table give your name and address. To start the hearing our regulations require that you have placarded your property, that you provide 4 pictures one including a placard and the receipts indicating that you have notified your abutting neighbors ten days in advance of tonight's hearing. If you don't have these we reschedule the hearing for the next meeting. When you come in front of this Board you are giving testimony. This is a hearing. The decision made by this Board at the end of the hearing is appealed. This is a recorded testimony that is presented not any member of this board. Our minutes are transcribed verbatim. The two recorders on 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 out into the hall. Present tonight as Commissioner Brian Vasser, Commissioner Linda Adanti, Clerk Tina Kelly, myself Chair Ed Conklin, Commissioner Jamie Jones and Commissioner Phill Cavallaro.

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, July 16, 2019 at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT:
#0619-02 587 Howe Avenue Map 129B Lot 22, Jerry and Margaret Plonski of 35 Lady Slipper Drive for the following: 1) Variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 12’ to 8’; 2) Variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 20’ to 10’; 3) Variance to Section 24.12.1 Private Garage to increase the height of the garage from 20’ to 22’; and 4) Variance to 24.12.3 Private Garage to increase the square footage of the garage from 750 sq. ft. to 800 sq. ft. in order to construct a 3-car garage measuring 32’ x 25’ x 22’ high in a CB-2 and IB-2 zone. (Carried)
CHAIRMAN E. CONKLIN
Is the neighbor here? Or applicant here? Name and address from the record please.

UNKNOWN VOICE #1
587 Howe Avenue, Shelton, Connecticut 06484. The property or our address?

CHAIRMAN E. CONKLIN
Your name.

MARGARET PLONSKI
Margaret Plonski.

CHAIRMAN E. CONKLIN
Okay. Are you going to speak?

UNKNOWN VOICE #2
She's the boss.

CHAIRMAN E. CONKLIN
Okay. All right.

MARGARET PLONSKI
And pictures of the property. And certified receipts.

CHAIRMAN E. CONKLIN
All right. The receipts. Uh, bah, bah, bah, bah. Okay? These were sent out the 9th? Of which month?

MARGARET PLONSKI
Yeah, but it was the second time we actually send them out because we missed the first hearing. And, and we never got a response from any of them anyway.

CHAIRMAN E. CONKLIN
You don't need a response.

MARGARET PLONSKI
We don't?

CHAIRMAN E. CONKLIN
No. Okay. But this is uh; do you have receipts from the first month?
MARGARET PLONSKI
Uh, not with me, not with me but I can give it to you after the hearing.

CHAIRMAN E. CONKLIN
I know but someone did call me on it so they must have received something. Okay.

MARGARET PLONSKI
The only person to respond to me the first time was the Norwalk Company.

CHAIRMAN E. CONKLIN
Okay. All right. Tell us what you're trying to do and why

MARGARET PLONSKI
So, the property is very unusual size as you can see from the map. It's very odd size. It's half the properties on the, uh, um, commercial, half industrial. Uh, zoning is a dual zoning on this property. So, what we tried to do is we tried to create off side driveway and parking off of site and parking for the, for the tenants inside the back of the property. Because as you can see from the pictures right now the, they are actually parking on the busy street of Howe Avenue.

CHAIRMAN E. CONKLIN
Okay. Uh, you're building, if you're, what, what is the garage being used for?

MARGARET PLONSKI
It's going to be used for the, for the parking of the, of the cars, the tenants.

CHAIRMAN E. CONKLIN
Of the tenants, itself?

MARGARET PLONSKI
Correct.

CHAIRMAN E. CONKLIN
How many stories is this going to be?

MARGARET PLONSKI
It's going to be 2 stories?

UNKNOWN VOICE #2
No, one story.
MARGARET PLONSKI
One story, I'm sorry.

CHAIRMAN E. CONKLIN
Okay, and why do we need 22’ in height, then?

MARGARET PLONSKI
We want to do a storage and on top of the garage.

UNKNOWN VOICE #2
Storage right on top of the garage.

CHAIRMAN E. CONKLIN
Okay, cause a second floor is not allowed in garages.

MARGARET PLONSKI
It's just the storage.

CHAIRMAN E. CONKLIN
What's that?

MARGARET PLONSKI
Just a storage space.

CHAIRMAN E. CONKLIN
Well, a second floor is not allowed. Period.

MARGARET PLONSKI
Okay.

CHAIRMAN E. CONKLIN
So, your height variance that's in the, in the standards now for garages and you're speaking you, I must have your right name.

JERRY PLONSKI
Jerry Plonski.

CHAIRMAN E. CONKLIN
Okay.
JERRY PLONSKI
It's 35 Lady Slipper Drive, Connecticut and uh, like, like I say, you know, it's, it's only thing we want to looks decent and I spoke to Tom with zoning so I want to create like a, you know, house not garage. Because it's still people around.

CHAIRMAN E. CONKLIN
But it’s still, I mean, and this is not, and no, there's no commercial usage for this garage at all?

JERRY PLONSKI
No.

CHAIRMAN E. CONKLIN
Okay. Strictly being used for, how many bay garage is it?

JERRY PLONSKI
It's a 3-car garage.

CHAIRMAN E. CONKLIN
It's a 3-car garage?

JERRY PLONSKI
Yup.

CHAIRMAN E. CONKLIN
All right. How many tenants are in the house?

JERRY PLONSKI
Uh, we got 2 and we,

CHAIRMAN E. CONKLIN
Well, how many apartments are in the

JERRY PLONSKI
2.

CHAIRMAN E. CONKLIN
There's 2 apartments in the, the house. Okay.

JERRY PLONSKI
Also, we going to make, you know, create like a parking spot, you know, between the garage and the, and the house. But soon, you know, we got okay with the garage.
CHAIRMAN E. CONKLIN
So, you're making more parking area than just strictly in front of the garage.

MARGARET PLONSKI
May I-- we actually in the process of converting walkout basement to the third apartment so when they're converting in future the 2-family to the 3-family. That's what thinking but, thinking about a 3, 3-car garage.

CHAIRMAN E. CONKLIN
Well you, your minimum lot area right now is 7,800 per square, per unit. Fifth, I'm sorry, 15,000 per unit and you're at 78.

MARGARET PLONSKI
Okay.

CHAIRMAN E. CONKLIN
So, your going to be reduce, you're looking for a variance for, to reduce, reduce that.

JERRY PLONSKI
I could put as much as I can, you know.

CHAIRMAN E. CONKLIN
All right.

(QUIET; UNCLEAR)

CHAIRMAN E. CONKLIN
All right. Questions?

COMMISSIONER LINDA ADANTI
I'd like to see the pictures when, when they're available.

VICE-CHAIRMAN PHILLIP CAVALARO
So, I, I have a question now. It's 2 fam-- 2, 2 apartments. What's in the bottom of one of them?

MARGARET PLONSKI
That's the walkout basement. We're talking about want to convert in the future the third studio apartment. Or office space.

JERRY PLONSKI
Studio or office, anything.
MARGARET PLONSKI
Because there's a picture from the back, it's like a walkout basement.

VICE-CHAIRMAN P. CAVALLARO
Um-hmm.

MARGARET PLONSKI
It's a perfect location.

CHAIRMAN E. CONKLIN
Has there ever been a structure in that location before?

MARGARET PLONSKI
No.

CHAIRMAN E. CONKLIN
Okay. Because right now the, the usage for that property is strict, is residential even if it's split. Usage of that property right now is residential.

JERRY PLONSKI
Well, you know, I spoke to Tom in zoning, I think, he was saying something like, you know, the, the property almost like almost like a half residential, half commercial. I don't know.

MARGARET PLONSKI
It’s industrial and

CHAIRMAN E. CONKLIN
Well, that's how it's zoned, but the problem is your usage of the property is residential.

JERRY PLONSKI
Got ya'.

CHAIRMAN E. CONKLIN
At the moment.

MARGARET PLONSKI
You know is the shape of the property right now in the back in such a bad shape it's not used at all.

CHAIRMAN E. CONKLIN
What's that?
MARGARET PLONSKI
The tenants is not using at all because such a bad shape.

CHAIRMAN E. CONKLIN
Yes.

MARGARET PLONSKI
In the back. We just actually purchased the property last year.

CHAIRMAN E. CONKLIN
That property?

MARGARET PLONSKI
Correct.

CHAIRMAN E. CONKLIN
It wasn't part of the uh...because I was looking at the, do you guys got the, uh...

VICE-CHAIRMAN P. CAVALLARO
You purchased the whole prop-- the house and the prop-- and the lot or just

MARGARET PLONSKI
Correct.

VICE-CHAIRMAN P. CAVALLARO
The lot in the back?

MARGARET PLONSKI
The whole property.

(MULTIPLE VOICES; UNCLEAR)

MARGARET PLONSKI
Including the house.

JERRY PLONSKI
That's a one piece.

VICE-CHAIRMAN P. CAVALLARO
So, that's one piece of property.
JERRY PLONSKI
Yes.

CHAIRMAN E. CONKLIN
Do you have the GIS? Which property did you purchase?

VICE-CHAIRMAN P. CAVALLARO
The whole thing, Ed.

MARGARET PLONSKI
The whole thing.

(MULTIPLE VOICES; UNCLEAR)

CONKLIN E. CONKLIN
How you, the whole, okay.

JERRY PLONSKI
Yes.

CHAIRMAN E. CONKLIN
Okay.

JERRY PLONSKI
With the house and the, the property.

CHAIRMAN E. CONKLIN
Oh, okay. I was looking at this small piece,

MARGARET PLONSKI
No. I actually contacted the owner this time because I want to, want to purchase that but I never got a response from them.

CHAIRMAN E. CONKLIN
Okay.

MARGARET PLONSKI
I sent 2 letters. And the garage we want to build right over here. It's like a perfect location. I want to get it off-street parking and driver right here. And you can see the pictures right here. If you take a look at this, that's, that's where you enter this way.
CHAIRMAN E. CONKLIN
Right.

MARGARET PLONSKI
It's the off street.

CHAIRMAN E. CONKLIN
All right.

VICE-CHAIRMAN P. CAVALLARO
Can I see that?

CHAIRMAN E. CONKLIN
Goes with this single-car garage. I mean even with a, with a, even with a 6 pitch it's only 8’ in height. You know, for you're across the 16’. So, I

MARGARET PLONSKI
So, you're saying it's too tall the garage-- the one that's there is too tall?

CHAIRMAN E. CONKLIN
Yeah, that's, that variance is, is 22’.

MARGARET PLONSKI
So, what's the max we can go?

CHAIRMAN E. CONKLIN
20’.

MARGARET PLONSKI
20’?

JERRY PLONSKI
Only, Tom was saying something 25 that's a maximum, I don't know,

CHAIRMAN E. CONKLIN
Uh, it's 20, 20’ for a garage.

MARGARET PLONSKI
Okay, but that perfect.
CHAIRMAN E. CONKLIN
For a, for an accessory garage.

JERRY PLONSKI
Yeah, that's all right.

MARGARET PLONSKI
But that's a perfect for 3, 3-car garage, right?

JERRY PLONSKI
Yup.

MARGARET PLONSKI
Just not that storage on top of it.

JERRY PLONSKI
Yeah. And it's like, you know, create gable so it looks like, you know, house. Not the, you know, just don't like that commercial garage.

CHAIRMAN E. CONKLIN
So if we, we, that's what, right here he has 20'. That's what the height is for a garage.

MARGARET PLONSKI:
Okay.

JERRY PLONSKI
Yeah.

CHAIRMAN E. CONKLIN
That's, that's, all right. Questions? Comments?

COMM. B. VASSER
Where's the entrance to this garage? How are, how are you getting?

MARGARET PLONSKI
So, I have a picture of that and let me show you the map and then I'll show the picture. Actually, I took the picture of the entrance right now how it looks like.

COMM. B. VASSER
Um-hmm.
MARGARET PLONSKI
Uh, here's the map. May I?

JERRY PLONSKI
Show them the map.

MARGARET PLONSKI
So, the front of the house is a busy street, Howe Avenue. And right now, all the tenants are parking the cars one over here and one over there.

COMM. B. VASSER
So, you can see right here.

COMM. B. VASSER
Um-hmm.

MARGARET PLONSKI
See how they're parking their car. The side entrance is this way. And the Wooster Street and the one, the, right here there's a driveway.

JERRY PLONSKI
And the Wooster.

MARGARET PLONSKI
From the back, yes.

JERRY PLONSKI
Yeah.

MARGARET PLONSKI
You can see right here. See the picture. That's where my car is standing. That's where the driveway is.

COMM. B. VASSER
And the garage is going to be here?

MARGARET PLONSKI
And the garage is going to be, I'm not sure--with the back of the property.

JERRY PLONSKI
That's,
MARGARET PLONSKI
So, this is where the driveway is and this is the (QUIET; INAUDIBLE) garage right over here, which is gonna be on the half, right over here in that area.

COMM. B. VASSER
And this is the house, here.

MARGARET PLONSKI
And this is the back of the house. Correct.

COMM. B. VASSER
Who lives here?

MARGARET PLONSKI
Uh, this is the neighbor. Right here.

COMM. B. VASSER
No response from them.

MARGARET PLONSKI
No response from them. I think I, actually the city I think, has the wrong address because it came back to me undeliverable, twice.

CHAIRMAN E. CONKLIN
Yeah.

CLERK TINA KELLY
Yeah.

CHAIRMAN E. CONKLIN
Pardon.

CLERK T. KELLY
I got the address from the application.

CHAIRMAN E. CONKLIN
Yeah, is the house going to have, um, I mean is the garage going to have electric?

JERRY PLONSKI
Yes.
CHAIRMAN E. CONKLIN
Okay. Heat?

JERRY PLONSKI
We don't know yet.

CHAIRMAN E. CONKLIN
Okay. No water?

JERRY PLONSKI
Probably not.

CHAIRMAN E. CONKLIN
Okay, well, we won't, we don't. Part of variance is we, accessory garages we don't allow water. It's part of the stipulation. Yes.

JERRY PLONSKI
Gotcha'.

CHAIRMAN E. CONKLIN
Okay.

COMM. J. JONES
Do you have a?

CHAIRMAN E. CONKLIN
And on, sorry, go ahead.

COMM. J. JONES
Do you have a picture of the drawing and the surrounding

JERRY PLONSKI
No, not yet.

MARGARET PLONSKI
Uh, we'll have like a (QUIET; INAUDIBLE) but we put like um, very generic - Yeah. This one, um-hmm.

VICE-CHAIRMAN P. CAVALLARO
I think they mean the elevations, right?
JERRY PLONSKI
Of the elevation it's like, you know, it's, it's a sloping down.

CHAIRMAN E. CONKLIN
Right.

MARGARET PLONSKI
Right of the, so this is the house and this garage.

JERRY PLONSKI
I'll provide all the pap-- all the, you know, foundation and uh, all this, you know, *(QUIET; UNCLEAR)*, okay from here. Plus blueprints.

CHAIRMAN E. CONKLIN
A U-Haul Rental place.

JERRY PLONSKI
Yes. Right across the street.

CHAIRMAN E. CONKLIN
Yeah. Yeah.

MARGARET PLONSKI
So, you know the place.

CHAIRMAN E. CONKLIN
All right. Any other questions?

COMM. L. ADANTI
I have a question. Just I wanted, is this the piece of property we’re talking about, that you're trying to purchase?

MARGARET PLONSKI
The Norwalk Machinery owns the piece of property.

COMM. L. ADANTI
They own it?

JERRY PLONSKI
They own the big one.
MARGARET PLONSKI
Both of them.

COMM. L. ADANTI
They have access to it? If you,

JERRY PLONSKI
Yes.

COMM. L. ADANTI
They have access to it?

MARGARET PLONSKI
They do.

JERRY PLONSKI
Yeah, yeah, the, the, the street, the street is kind of high and it slope down so it's like, you know, we're, we're right here. They, they could have any, anytime access to the property.

MARGARET PLONSKI
But I we know right now the access is blocked, this, they put block, cement block on top of the access and there is a, um, fan between our property and the, the Norwalk Machinery property. I think there's one of the pictures shows that, too. Let me show you. It's unused it's just overgrown. I can see it. It's right here. So, there's a fence right here on the property. It's really overgrown but they do have an entrance from the street.

JERRY PLONSKI
Yes.

MARGARET PLONSKI
They want to go right.

(MULTIPLE VOICES: UNCLEAR)

MARGARET PLONSKI
But as it's blocked right now, I mean it did on purpose they don't want anybody else to get in.

COMM. B. VASSER
Is there a business there now?
MARGARET PLONSKI
It's, it's owned by the same company, the Norwalk Machinery but there's nothing there. Just the garbage.

JERRY PLONSKI
Nothing. Just a lot, a parking lot.

MARGARET PLONSKI
A lot of mess.

CHAIRMAN E. CONKLIN
It's blocked by the railroad company.

COMM. B. VASSER
What's that?

CHAIRMAN E. CONKLIN
It's blocked by the railroad company. They want the city to improve the crossing before they'll reopen it, allow it to be reopened.

JERRY PLONSKI
The Jersey barrier block, block.

COMM. B. VASSER
Do they uh, do they have to go before the Planning Board again, if, if we approve a variance? Would they have to go before the Planning Board for aesthetic reasons like that, you know, to show what the plans and what they're

CHAIRMAN E. CONKLIN
No. Because it's, no. Not a commercial property. It's residential.

COMM. B. VASSER
So nobody controls the aesthetics of the, of the

CHAIRMAN E. CONKLIN
Not residential.

COMM. B. VASSER
All right?
CHAIRMAN E. CONKLIN
All right. Any other questions? Okay. Anybody from the audience in favor of this application? Anybody from the audience in favor of the application? Anybody from the audience opposed to this application? Anybody opposed? Okay. Any other questions from the Board?

COMM. L. ADANTI
I'm all set. Thank you.

CHAIRMAN E. CONKLIN
All right. No questions, I declare this hearing closed. Thank you.

JERRY PLONSKI
Thank you.

MARGARET PLONSKI
So we'll find out the answer?

(MULTIPLE, LOUD, AUDIENCE BACKGROUND CONVERSATIONS BEGIN; ONLY THE FOLLOWING BETWEEN CONKLIN/PLONSKI IS CLEAR)

CHAIRMAN E. CONKLIN
Possibly. Possible decision tonight.

MARGARET PLONSKI
So, should we wait for the decision?

CHAIRMAN E. CONKLIN
You could wait but you still can't do anything until you receive the official paperwork.

MARGARET PLONSKI
Oh, I understand that. By mail the answer and could I stick around and wait?

CHAIRMAN E. CONKLIN
You can wait, yes.

(MULTIPLE, LOUD, AUDIENCE BACKGROUND CONVERSATIONS END)

Later that evening, upon motion made by V. Chairman P. Cavallaro and seconded by Commissioner L. Adanti, the Board unanimously voted “In the application by Jerry and Margaret Plonski of 35 Lady Slipper Drive for the property at 587 Howe Avenue Map 129B Lot 22, for the following: Variance #1 to Section 24, Schedule B,
Line 9 to reduce the minimum setback from the right side property line from 12’ to 8’; Variance #2 to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 20’ to 10’; and Variance #4 to 24.12.3 Private Garage to increase the square footage of the garage from 750 sq. ft. to 800 sq. ft. in order to construct a 3-car garage measuring 32’ x 25’ x 22’ high.

The application for these variances is approved.

Variance #3 to Section 24.12.1 Private Garage to increase the height of the garage from 20’ to 22’.

The application for this variance is denied.

Inasmuch as the lot is irregularly shaped, the property is for residential usage, and the need for off-street parking for the residents on this densely traveled street. Therefore, with due consideration for the public health, safety, welfare and property values, for the property at 587 Howe Avenue, Shelton, Map 129B Lot 22 the approval of: Variance #1 to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 12’ to 8’; Variance #2 to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 20’ to 10’; and Variance #4 to 24.12.3 Private Garage to increase the square footage of the garage from 750 sq. ft. to 800 sq. ft. in order to construct a 3-car garage measuring 32’ x 25’ x 22’ high; and the denial of Variance #3 to Section 24.12.1 Private Garage to increase the height of the garage from 20’ to 22’.

This certificate is contingent upon the following stipulations: 1. There shall be no running water in the garage. 2. The garage is for non-commercial usage only. 3. The garage doors shall not be over 8’ high.

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.

COMM. J. JONES

0719-01 34 Rolling Ridge Road, David Sulik of 34 Rolling Ridge Road for a variance to Section 24.4 to reduce the minimum setback from the left side line from 30 ft. to 18 ft. in order to add a third bay to the existing garage in an R-1 zone.

CHAIRMAN E. CONKLIN

Name and address for the record, please.

DAVE SULIK
Dave Sulik, 34 Rolling Ridge Road, Shelton, Connecticut.

CHAIRMAN E. CONKLIN

Okay, are you going to speak? Okay, house uh, you have pictures, you have uh,

DAVE SULIK
Receipts, pictures.

CHAIRMAN E. CONKLIN
Okay. I'm looking for the original receipts. These are what's returned. Okay. All right. Um, what we are missing with this is the GIS maps that are required. The aerial, the aerial, it's right in the documentation.
The aerial photos of your property, the abutting neighbor's property, so we see the impact upon the neighbors.

DAVE SULIK
So, a, uh, like a drone photo type of thing or?

CHAIRMAN E. CONKLIN
Well, you can go on Google Maps.

DAVE SULIK
Or a Google Map,

CHAIRMAN E. CONKLIN
You, Google Maps

DAVE SULIK
Google Maps or something?

CHAIRMAN E. CONKLIN
Yeah. You should have gotten those.

DAVE SULIK
Okay.

CHAIRMAN E. CONKLIN
I was, I was surprised that they didn't

DAVE SULIK
Yeah, nobody said anything about that.

CHAIRMAN E. CONKLIN
Okay. Okay.

DAVE SULIK
This is uh, letters from 2 of the neighbors stating they have no objection.

CHAIRMAN E. CONKLIN
Okay. Want to read those?

COMM. J. JONES
READS THE FOLLOWING LETTERS:
To Whom It May Concern,

I have received notification of the proposed Zoning Waiver for a garage addition at 34 Rolling Ridge Road. I have no objections to the proposed waiver.

Dave Turner
30 Rolling Ridge Road
Shelton CT, 06484


To Whom It May Concern,

I have received notification of the proposed Zoning Waiver for a garage addition at 34 Rolling Ridge Road. I have no objections to the proposed waiver.

Starzecki Family
11 Rosewood Lane
Shelton CT, 06484


To Whom It May Concern,

I have received notification of the proposed Zoning Waiver for a garage addition at 34 Rolling Ridge Road. I have no objections to the proposed waiver.

John Mitola
38 Rolling Ridge Road
Shelton CT, 06484


CHAIRMAN E. CONKLIN
So, that's sort of what the problem, the problem is we have no zoning map. We have 3 properties that are abutting this on Rolling Ridge and 1 on Rose Ridge, so we don't know how many houses are lying out around this

DAVE SULIK
Okay.

CHAIRMAN E. CONKLIN
Per se, but we do have letters from all those people saying they have no, uh, uh-- So, tell us what you are trying to do and why you can't meet the zoning regulations.

DAVE SULIK
Um, the existing garage um, comes pretty much to the line. And I'd like to put a third garage on and the only space I've got cuts over a setback.

CHAIRMAN E. CONKLIN
And I notice there's a little extra area in the back. Is that just for more storage?

DAVE SULIK
More room.

CHAIRMAN E. CONKLIN
Okay. This is not for an in-law-- or in-law

DAVE SULIK
No, no, no. It's to, for a hobby of restoring old muscle cars.
CHAIRMAN E. CONKLIN
Okay. So, strictly that. Um, I did notice that your lot for some reason does not meet the standard regulations.

DAVE SULIK
Yeah, I noticed that, too, when I filled out the form. (LAUGHTER) It's been that way.

CHAIRMAN E. CONKLIN
It’s, it's 36,000 square feet.

DAVE SULIK
Yeah. Yeah.

CHAIRMAN E. CONKLIN
Plus 250, light of the 40,000. The standard road frontage minimum is supposed to be 135’. Yours is only 125’.

DAVE SULIK
Yeah.

CHAIRMAN E. CONKLIN
So, the lower, the frontage across the front is 10’ short to start with.

DAVE SULIK
Yeah. All of the houses in the neighborhood are like that.

CHAIRMAN E. CONKLIN
They are all, all the same way?

DAVE SULIK
Yeah. At least on my side of the street. Yeah.

CHAIRMAN E. CONKLIN
All right. I'll take a look at that for a second. (WHISPERING QUIETLY) So, actually if you had the road, the lot frontage across the front you would be less than that if it was somewhat (close?; unclear)

DAVE SULIK
Might have gotten away with it but

CHAIRMAN E. CONKLIN
Yeah. This isn't part of an association at all, is it?

DAVE SULIK
No.

CHAIRMAN E. CONKLIN
Okay. These are independent houses.

DAVE SULIK
Independent houses.

CHAIRMAN E. CONKLIN
Okay. Sometimes an association requires

DAVE SULIK
Um-hmm.

CHAIRMAN E. CONKLIN
You to have stipulations or additions for them. Questions, Bryan?

COMM. B. VASSER
Uh, trying to figure out how close the neighbor's house is here.

DAVE SULIK
I did take one picture specifically of it. It was hard to get it all in a frame there.

CHAIRMAN E. CONKLIN
There was one that does show the corner of his house.

(MULTIPLE, QUIET VOICES; UNCLEAR)

DAVE SULIK
Yeah. I may just (QUIET; UNCLEAR)

COMM. B. VASSER
You guys see the photos down there?

CHAIRMAN E. CONKLIN
They, they've seen them. Okay. Questions? Is there enough information here without those other maps for you?
COMM. B. VASSER
I think so. What's, uh, what's happening in the backyard? Seems like a lot of, a lot of space back there for

DAVE SULIK
It, it's, it's a narrow and very deep yard. Nothing going on back there.

CHAIRMAN E. CONKLIN
Do you have uh, septic?

DAVE SULIK
Yes.

CHAIRMAN E. CONKLIN
Okay. Where is that located?

DAVE SULIK
That's uh, right around here somewhere.

CHAIRMAN E. CONKLIN
Where's your well?

DAVE SULIK
Uh, I don't have a well. City water.

CHAIRMAN E. CONKLIN
You have city water?

DAVE SULIK
Yep.

CHAIRMAN E. CONKLIN
Okay.

COMM. B. VASSER
Is there any reason why you couldn't build onto the back of it and keep it away from the property line? And, uh, you know, make it, since you're restoring you could do the restoration and

DAVE SULIK
Um, we, we kicked that around and, and as a last resort it could probably work that way. But um, it's not as convenient having them double-stacked. You got to move the cars out when you want to take the other car out and stuff like that.
CHAIRMAN E. CONKLIN
Where's your second-- your primary’s back here. Do you have a secondary laid out?

DAVE SULIK
I'm sorry, secondary?

CHAIRMAN E. CONKLIN
Well, if you, if you have a sept-- septic system.

DAVE SULIK
So, the, the, it’s uh, the tank and a pumper tanker here and the uh, leaching fields are out here.

CHAIRMAN E. CONKLIN
Somewhere back here?

DAVE SULIK
Right.

CHAIRMAN E. CONKLIN
Okay. So, this is pumped uphill.

V. CHAIRMAN P. CAVALARO
Where’s the alternate?

DAVE SULIK
That’s a pretty flat area.

CHAIRMAN E. CONKLIN
Well, that, that’s the question is—where’s your alternate?

V. CHAIRMAN P. CAVALARO
It’s got to be in front of that a little

CHAIRMAN E. CONKLIN
What’s that?

V. CHAIRMAN P. CAVALARO
It would have to be in front of it because there’s no other room.
CHAIRMAN E. CONKLIN
Yeah. That's why uh, your, your question about

V. CHAIRMAN P. CAVALARO
It's a reserve space.

CHAIRMAN E. CONKLIN
You have to have a reserve spot for your septic, which would be

(MULTIPLE VOICES; UNCLEAR)

DAVE SULIK
You know how large a space do you need for that?

COMM. B. VASSER
For his reserve spot to be built back, it would be,

CHAIRMAN E. CONKLIN
What's that?

COMM. B. VASSER
In that area?

CHAIRMAN E. CONKLIN
It can't be back because of the property line. It would have to be in front of it.

DAVE SULIK
Yeah.

COMM. B. VASSER
No, no, no, I'm asking if you built the garage back further?

CHAIRMAN E. CONKLIN
How far back?

COMM. B. VASSER
And to the side

DAVE SULIK
If I took this and put it out here would it interfere
CHAIRMAN E. CONKLIN
Oh, oh.

DAVE SULIK
With the?

CHAIRMAN E. CONKLIN
Yeah. Okay. All right. Any other questions? All right. Anybody in the audience in favor of this application? Anybody in favor? Anybody opposed? Anybody opposed? All right. Any further questions?

COMM. B. VASSER
Um, is this, this is a personal restoration that you’re doing?

DAVE SULIK
Yes. Just a hobby.

CHAIRMAN E. CONKLIN
All right, Bryan?

COMM. B. VASSER
Yep.

CHAIRMAN E. CONKLIN
Okay. I declare this hearing closed.

DAVE SULIK
Okay.

CHAIRMAN E. CONKLIN
Okay.

DAVE SULIK
You’ll notify us of the

CHAIRMAN E. CONKLIN
Yep. Yes.

DAVE SULIK
Okay.
CHAIRMAN E. CONKLIN
Okay.

DAVE SULIK
Do, would you like me to send that map to someone?

CHAIRMAN E. CONKLIN
Uh, no. No. Because the hearing is closed as of now.

DAVE SULIK
Okay, thank you.

Later that evening, upon motion made by Commissioner J. Jones and seconded by V. Chairman P. Cavallaro the Board unanimously voted “In the application by David Sulik of 34 Rolling Ridge Road for a variance to Section 24.4 to reduce the minimum setback from the left side line from 30 ft. to 18 ft. in order to add a third bay to the existing garage.
The application for variances is approved.
Inasmuch as the lot is narrow for the zone. Therefore, with due consideration for the public health, safety, welfare and property values, for the property at 34 Rolling Ridge Road, the approval for a variance to Section 24.4 to reduce the minimum setback from the left side line from 30 ft. to 18 ft. in order to add a third bay to the existing garage.
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 record

COMM. J. JONES
#0719-02 148 Hillside Avenue, Jeffrey Costa of 148 Hillside Avenue for a variance to Schedule B to reduce the minimum setback from the front setback line from 25 ft. to 8 ft. in order to align the 20’ x 12’ detached garage on the left side with the house in an R-4 zone.

UNKNOWN VOICE #3
Yes.

CHAIRMAN E. CONKLIN
Can I have your name and address for the record, please?

JEFFREY COSTA
Um, Jeffrey A. Costa. That’s C-O-S-T-A. 148 Hillside Avenue, Shelton, Connecticut.

CHAIRMAN E. CONKLIN
Okay. Now, you supplied us with this also, saying that there is already a variance on the property?

JEFFREY COSTA
I don’t know.

CHAIRMAN E. CONKLIN
It was in the application. That's why I'm asking.

JEFFREY COSTA
That was not submitted by me, it looks like um, okay, Mr. Venditti was a previous owner of the property.

CHAIRMAN E. CONKLIN
Right. But he, there’s, there’s already a variance on this property.

JEFFREY COSTA
Yes, I was aware of that.

CHAIRMAN E. CONKLIN
To 4’.

JEFFREY COSTA
Mm-hmm.

CHAIRMAN E. CONKLIN
Okay? The variance goes with the property; it doesn’t go with the owner. So, this property has a variance on it to 4’. So,

JEFFREY COSTA
Which means…what? I

CHAIRMAN E. CONKLIN
Well, you can build it within your 8-foot setback that you’re requesting already.

JEFFREY COSTA
Well, I when I went to the Planning and Zoning Department they told me you still needed to apply for the variance. I mean I did send all these letters out to all the, all the neighbors.

CHAIRMAN E. CONKLIN
Why would he do that?

JEFFREY COSTA
His name was Alex, I believe.
There’s that Alex again.

CHAIRMAN E. CONKLIN
What’s that?

CLERK T. KELLY
That Alex person, remember? From the last

CHAIRMAN E. CONKLIN
Is--is it Alex or

JEFFREY COSTA
I,

CHAIRMAN E. CONKLIN
Tom Dingle?

JEFFREY COSTA
No, no Tom Dingle, I think he only works part-time I was told.

CHAIRMAN E. CONKLIN
Yes.

JEFFREY COSTA
Alex was the one who primarily was

CHAIRMAN E. CONKLIN
Okay.

JEFFREY COSTA
My

CHAIRMAN E. CONKLIN
Oh, I got that.

JEFFREY COSTA
Interface.

CHAIRMAN E. CONKLIN
Okay. This
JEFFREY COSTA
I just went by what he told me.

CHAIRMAN E. CONKLIN
Okay. You already have a variance on this property.

JEFFREY COSTA
I,

CHAIRMAN E. CONKLIN
Okay?

JEFFREY COSTA
Was not aware of that.

CHAIRMAN E. CONKLIN
Okay.

JEFFREY COSTA
So, I went to all this work for nothing?

CHAIRMAN E. CONKLIN
Unfortunately, I think you did because uh, somehow this wound up in the application along with it because it does stay in the back,

JEFFREY COSTA
I have an idea how that might have gotten there.

CHAIRMAN E. CONKLIN
You checked off the back, uh,’Is this an extension of existing variance?’ and you have ‘yes’. (QUIET VOICE; UNCLEAR)

JEFFREY COSTA
Yeah, I didn’t, yeah; I did not fill that part out. I think Alex did.

CHAIRMAN E. CONKLIN
Okay.

JEFFREY COSTA
But I, I thought in case you guys were interested this is a picture of what I will be putting there if you want to see it. I don’t think

CHAIRMAN E. CONKLIN
Okay.

JEFFREY COSTA
But it’s, the siding is going to match the house exactly.

CHAIRMAN E. CONKLIN
All right.

JEFFREY COSTA
And I do have pictures of the property if you want to see that.

CHAIRMAN E. CONKLIN
I want you to submit everything that’s here.

JEFFREY COSTA
I’m sorry to have wasted all your time. I’m just doing what I was told to do.

CHAIRMAN E. CONKLIN
That’s all right. You weren’t wasting my time. And this, is this the letter that you sent the, uh, okay. Did you, well, even though it’s a - did you have the mailings?

JEFFREY COSTA
The

CHAIRMAN E. CONKLIN
The mailings to neighbors.

JEFFREY COSTA
Yes, that’s what these are.

CHAIRMAN E. CONKLIN
Okay. Uh, do you have the actual receipts that you mailed them?

JEFFREY COSTA
No, I do not.

CHAIRMAN E. CONKLIN
It's a moot point anyway. They, you, you have a variance. Okay. All right. There's no use.

JEFFREY COSTA
I wasn't aware that I had to get a receipt. I just, I just dropped them all in the mail. And I know all these neighbors personally anyway and talked to them all.

CLERK T. KELLY
The picture?

CHAIRMAN E. CONKLIN
I do want to take a look at it and so.

CLERK T. KELLY
Here you go.

CHAIRMAN E. CONKLIN
All right.

JEFFREY COSTA
Yeah. I just, I'm paying for storage of another vehicle. I'd just like to put it on my own property. That's all.

CHAIRMAN E. CONKLIN
Okay. All right. I'll go through the formalities. Is there anybody in the, uh, audience in favor of this application? Any in favor of this application? Anybody opposed to this application? Okay. I'm going to declare this hearing closed. All right?

JEFFREY COSTA
I'm sorry again to have wasted---

CHAIRMAN E. CONKLIN
Okay, sir. No problem. All right, thank you for your time.

JEFFREY COSTA
Thank you very much.

CHAIRMAN E. CONKLIN
Okay.
JEFFREY COSTA
So, I can go ahead and order this structure? It’s a prefabricated building. It will be to--

CHAIRMAN E. CONKLIN
Yeah, you have a variance for the property.

JEFFREY COSTA
Okay.

CHAIRMAN E. CONKLIN
I mean we can vote on this; it’s not going to be a difference.

JEFFREY COSTA
Okay.

CHAIRMAN E. CONKLIN
You have the variance already.

JEFFREY COSTA
Thank you very much.

CHAIRMAN E. CONKLIN
Okay. You’re welcome.

JEFFREY COSTA
Mm-hmm.

COMM. J. JONES
#0719-03 10 Cloverdale Avenue, Lynda and Richard Shomsky of 10 Cloverdale Avenue for a variance to Section #24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 30’ to 15’ in order to construct a single story addition consisting of a 22’ x 28’ garage and a 10’ x 15’ storage area in an R-1 zone.

CLERK T. KELLY
Oh, sorry. Here you go.

CHAIRMAN E. CONKLIN
Okay, is the applicant here? Is the applicant here?
UNKNOWN VOICE #4
Who is it?

CHAIRMAN E. CONKLIN
Cloverdale Avenue.

UNKNOWN VOICE #5
Yes. Right here.

CHAIRMAN E. CONKLIN
Okay.

RICHARD SHOMSKY
Uh, Richard Shomsky, 10 Cloverdale Avenue.

CHAIRMAN E. CONKLIN
Okay.

UNKNOWN VOICE #5
And this is the photos

CHAIRMAN E. CONKLIN
And you are?

ART CAPOZZI
Art Capozzi. I’m the contractor.

RICHARD SHOMSKY
Art Capozzi, the builder.

CHAIRMAN E. CONKLIN
Okay.

ART CAPOZZI
Friend of the family.

CLERK T. KELLY
Uh, your address?

ART CAPOZZI
Uh, 264 Barn Hill Road, Monroe.

CLERK T. KELLY
Okay.

CHAIRMAN E. CONKLIN
Linda? Okay. Tell us what you’re trying to do and why you can’t meet the zoning regulations. You okay?

CLERK T. KELLY
Oh yeah, I’m fine.

CHAIRMAN E. CONKLIN
All right.

RICHARD SHOMSKY
Tell him what we’re trying to do, Art.

ART CAPOZZI
Pardon?

RICHARD SHOMSKY
Yeah, tell them what we’re trying to do.

ART CAPOZZI
Uh, we want to build a garage. The original one we were gonna build, which we presented to this committee here, uh, was 30’, 24’ x 30’, and we didn’t have enough, nearly enough room on the side. So, what we’ve done is we’ve reduced the side of the garage to 22’ by 28’, and we’ve brought it up 4’ to mitigate this problem we’ve had with the property line on an angle like that. And we, also, are taking 3’ off the existing house, and that’s how we’ve come up with 15’. Um, and that’s, that’s what the, the drawing indicates. And we now know exactly what the property line is, so that, that is a good, a good figure, 15’.

CHAIRMAN E. CONKLIN
How are you taking 15’ off the, what do you mean by taking 15’ off the existing house?

RICHARD SHOMSKY
No, we’re taking 3’ off, sorry.

ART CAPOZZI
3’ off the existing house.

CHAIRMAN E. CONKLIN
Oh, 3’ off

ART CAPOZZI
3’ off the existing house.

CHAIRMAN E. CONKLIN
Okay.

ART CAPOZZI: And we reduced the size of the garage by bringing it forward.

CHAIRMAN E. CONKLIN
Okay.

ART CAPOZZI
We, we did, we have 22’ in the front, but this is what you’re concerned with. And in the back here, it’s a 15 by 10, um, again, that’s over 15’, and it’s a storage in the back of the garage.

CHAIRMAN E. CONKLIN: Okay. Yeah, it’s the minimum reduction that we, is the variance that you’re applying for.

RICHARD SHOMSKY
Right, we met the 15’. So, but like you said, the lot’s on an angle, so we have a 22 in the front.

COMM. B. VASSER
Taking 3’ off the house?

ART CAPOZZI
Yeah.

RICHARD SHOMSKY
Off the existing garage.

ART CAPOZZI
That’s, that’s how we can shift, that’s how we pick up the, we need that, so.

RICHARD SHOMSKY
To make the whole

ART CAPOZZI
To make it 15’
RICHARD SHOMSKY
You know, the room that’s gonna be, you know, the workout room and the craft room, so, we have to chop 3’ off that, so we have a decent-size garage, and we have our 15’ and 22’ in the front.

ART CAPOZZI
The house is built on a slab. So, again, there's no storage. So, that always complicates things.

RICHARD SHOMSKY
And, you know, the lot’s on that angle so, it's not the easiest place to work.

CHAIRMAN E. CONKLIN
Now, how accurate are these, is these dimensions?

ART CAPOZZI
Very accurate.

RICHARD SHOMSKY
Very accurate.

ART CAPOZZI
They will be 15’. We know exactly where the property line is now. Originally, we were estimating, but we know exactly where it is, and that will be a minimum of 15 plus.

COMM. B. VASSER
How did you identify the property line? Is there a survey?

ART CAPOZZI
Yeah. There's a, they, we picked up the points.

RICHARD SHOMSKY
My neighbor actually unearthed the monument out front, so we have big trees there, so, and there’s a stake in the back, so, I ran a line. I ran a 25-foot setback back so that, I couldn't run the string through the trees, so I just ran 25’ back, and I measured off the 25’. So, we're right on the money.

CHAIRMAN E. CONKLIN
Okay. Questions? Bryan?

COMM. B. VASSER
No.

CHAIRMAN E. CONKLIN
I can tell you have questions. *(LAUGHTER)* Before I call the audience.

**RICHARD SHOMSKY**
He’s being quiet.

**COMM. B. VASSER**
What was the request before? It’s 15’ now.

**ART CAPOZZI**
Well, we didn't have an accurate,

**RICHARD SHOMSKY**
We really didn’t have the accurate sideline. And now we have it right pinpointed.

**ART CAPOZZI**
We thought we had more footage than we had. So, when we found out we, where the actual line was, that's why we decided, you know, let's pull things up, reduce the size, and take some off the house.

**RICHARD SHOMSKY**
We’re trying to oblige everybody.

**COMM. B. VASSER**
Are there any other houses in the neighborhood that are that close to the property line?

**ART CAPOZZI**
I don't know.

**RICHARD SHOMSKY**
Not that I know of.

**COMM. B. VASSER**
Okay.

**CHAIRMAN E. CONKLIN**
All right.

**RICHARD SHOMSKY**
But I, actually, I think the house on the corner of Ripton and Cloverdale, his garage is, like, 10’ away from the neighbor’s yard. It's a, um, detached garage.
Linda, can I have the pictures, please?

RICHARD SHOMSKY
Because there’s the garage, then the driveway, and the neighbor’s property line. So, the drive’s only like 8’ wide.

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

RICHARD SHOMSKY
Us!

CHAIRMAN E. CONKLIN
Anybody opposed to this application? All right. Please come up to the table, please.

(QUIET; INAUDIBLE)

CHAIRMAN E. CONKLIN
Pardon.

UNKNOWN VOICE #6
Do you want us to?

CHAIRMAN E. CONKLIN
Yeah. Can you come over to a side, please?

UNKNOWN VOICE #6
Yeah.

CHAIRMAN E. CONKLIN
These are yours to keep. Name and address for the record, please.

VIRAF COMMISSARIAT
Viraf and Maharukh Commissariat, 6 Cloverdale Avenue, Shelton, CT

CLERK T. KELLY
It's

VIRAF COMMISSARIAT
Okay.

It's a long one.

CLERK T. KELLY
Right. Okay. Thank you.

VIRAF COMMISSARIAT
Can I?

And you are the neighbor who is on the, the side who is affect - being affected by this. Okay.

So, the last time that we were here or the time before last that we were here, the area that Mr. Shomsky was asking was 18’. Now it was reduced to 15’. And there is a plan that's in place which I haven't seen but that's beside the point. The thing is that the last time that we were a year you had requested a few things. One was an A-2 survey. But then there was a discussion between you gentlemen saying you know, if you're going to reject it why do need a survey and so on. But you had asked for more things than that. You had asked for certain, uh, you know, measurements from the side of the, of the house from the front of the house, where the, where, where the septic was and so on and so forth. Okay? In the interim, there were all of these measurements that needed to be made. So, I have made the measurements and, and these are, this is a survey that has come that was done a few years ago like in 2005 for this, for the, for the line itself. And then together with that are, are these measurements that I have made which clearly show exactly how far Mr. Shomsky's garage is, how far our family room is, our living room is and so on, from the front of the house, back of the house and so on. Okay? I haven't seen any kind of a diagram any kind of a plot or anything from Mr. Shomsky but I'm presenting this and my measurements show that Mr. Shomsky's garage is only 32’ away from my boundary line and he is going to go another 22’, he will be
only 10’ away from my boundary line. Now, you can offset it this way or that way and so on. There might be a foot or a foot there but it's not going to be making this huge big difference as far as how close he is to our boundary line. Okay? As far as the additional, you know, additional shed that was never there in the previous plan, it's now, you know, appeared on this plan. Okay? And I don't even know where, where that shed goes and how, how, how close to my boundary line it will be. All right? I've got this for each, each of you gentlemen here so that you can take a look at it. And uh, if you want other photographs and so on I can show them to you, also. Mr. Shomsky has enough space in the back. He has enough space on the sides and he has enough space in places.

MAHARUKH COMMISSARIAT
In the front, also.

VIRAF COMMISSARIAT
And, and, and in the front, also. So, I don't know, you know, where we go from here. But it, it appears that this is even, you know, this is even more disheartening than the last time that I was here where it was 18’ and now let's come down to 15’. And, I, I objected really strongly to the 18’ variance and I'm objecting, you know, extremely, extremely strongly about the 15’ variance now. Okay? Just because the plan has changed, you know, it's

CHAIRMAN E. CONKLIN
Okay.

VIRAF COMMISSARIAT
So, at, I mean, at a minimum I would expect that the, that the Board would be looking at some, you know, aerial diagrams, some, uh, A-2 surveys, it, something or the other rather than just some kind of a hand drawn, uh,

MAHARUKH COMMISSARIAT
Have you shown any photos that (*QUIET, INAUDIBLE*)?

VIRAF COMMISSARIAT
Which photo do you want?

MAHARUKH COMMISSARIAT
Like our house and, and behind

VIRAF COMMISSARIAT
There are lots of photographs and we have given, and we have handed to them. But if you, you look at

MAHARUKH COMMISSARIAT
This is his driveway.
VIRAF COMMISSARIAT
That's the garage.

MAHARUKH COMMISSARIAT
That's his garage, Mr. Shomsky.

VIRAF COMMISSARIAT
And where the, and, and where the car is, where the red car is parked is our boundary line right there or really close to it. Okay? If this extends another 22’ you can, you can see as to how close it comes. If my measurements are correct, it'll be within 10’ of my house.

VICE-CHAIRMAN P. CAVALLARO
Your property.

VIRAF COMMISSARIAT
10’ off my property. That's correct.

CHAIRMAN E. CONKLIN
I see a iron pipe set here.

VIRAF COMMISSARIAT
Yes. That's correct. The, they're, they're, they're, there are 2 markers. There's an iron pipe here and then, then, there an iron pipe here.

CHAIRMAN E. CONKLIN
And those were put in by whom?

VIRAF COMMISSARIAT
It was put in by, by the surveyor.

CHAIRMAN E. CONKLIN
Your surveyor brought them in. Okay. Surveyor

VIRAF COMMISSARIAT
Yeah, this was in 2005 when the, when the survey was

CHAIRMAN E. CONKLIN
Okay. Cause I just wanted to see

VIRAF COMMISSARIAT
I, I have the, I have the survey papers right here if you want to look at the original. I have it right here.

CHAIRMAN E. CONKLIN
Well, if you give it to us, we have to keep it.

VIRAF COMMISSARIAT
Oh, okay so, I would rather keep my original.

CHAIRMAN E. CONKLIN
So, we have, we have a corner of it, we have a side of it here.

VIRAF COMMISSARIAT
Right. I've, I've been bringing this point up in the past also, in order for a variance to be granted and you guys know this. There has to be some kind of a hardship. I see absolutely no hardship here. All, all I'm finding out is Mr. Shomsky wants to build an exercise room or rather convert the curr-- current garage into an exercise room and build another garage. And he had ample space at the back. I can show you many, many pictures. This is, this is a picture of his, of his, of his backyard. Okay? Now, if his garage blocks one of his windows or something. Yeah, you know, it, but there are, there are lots of houses where, where, windows do get blocked, okay? It's a, it's a matter of, you know, it's a matter of choice.

CHAIRMAN E. CONKLIN
These, this corner of asphalt drive notation on here

VIRAF COMMISSARIAT
Yes.

CHAIRMAN E. CONKLIN
Is, is this a copy of part of your survey or is this something you've added?

VIRAF COMMISSARIAT
No, no, no. This was, this was done absolutely by, by the surveyor.

CHAIRMAN E. CONKLIN
Okay. So, that, that is the

VIRAF COMMISSARIAT
Yes, so,

CHAIRMAN E. CONKLIN
Corner of his driveway is
CHAIRMAN E. CONKLIN
On the, across the property line.

VIRAF COMMISSARIAT
What the surveyor said was that the corner of his driveway is on my property line.

CHAIRMAN E. CONKLIN
Okay.

VIRAF COMMISSARIAT
Okay? He has, he has put that marker there.

CHAIRMAN E. CONKLIN
Yeah.

VIRAF COMMISSARIAT
Okay? And like I said I have the uh, I have the original right here if you want to compare it just, just in case.

CHAIRMAN E. CONKLIN
Okay. Well, you

VIRAF COMMISSARIAT
Might as well be uh,

CHAIRMAN E. CONKLIN
Uh, that's the, okay.

VIRAF COMMISSARIAT
That's, that's for and, and this is the, uh, this is the outfit that did it. And this was in, in 2005.

CHAIRMAN E. CONKLIN
So, this is your original that's matching the copy that you gave us.

VIRAF COMMISSARIAT
Oh, yeah. Yeah. Absolutely. And I, and I provided Mr. Shomsky with that copy, also.
CHAIRMAN E. CONKLIN
Okay. All right.

COMM. L. ADANTI
Mr. Chairman, may I see that photograph of the?

CHAIRMAN E. CONKLIN
Did you see this one?

COMM. L. ADANTI
Please. Thank you.

VIRAF COMMISSARIAT
There are plenty of photographs here if you, if you feel like going through them.

MAHARUKH COMMISSARIAT
This is from our, this is from our house, so, how far his driveway is from our family room. You could see the trees. This is the, you can go through them and see.

VIRAF COMMISSARIAT
And if you have any questions I'd be, you know, more than happy to, uh,

RICHARD SHOMSKY
Can I take a look at that?

MAHARUKH COMMISSARIAT
This is my house and this is

RICHARD SHOMSKY
So, the property line is

CLERK T. KELLY
You can't talk. I'm sorry you can't talk right now.

(WHISPERING; INAUDIBLE)

VIRAF COMMISSARIAT
Yes. And, and this is exactly what, what Mr. Shomsky was talking about. He, he drew a line and, you know, used the line that kind of goes by his garage. All, all that one would need to do is just, just measure the distance here in order to figure out because he had a, he had a 25’ offset. And not only did I measure
this I also measured, you know, way, way back into my boundary line. And, at the, at the closest, if you, if you truly took it at the perpendicular closest, it would come to 28’. It won’t even come to 32’. But because of the fact that you know it’s kind of in line and so on. Even with 32’, it would still be within 10’ of my property.

VICE-CHAIRMAN P. CAVALLARO
Obviously, you going to need an A-2 survey, no?

CHAIRMAN E. CONKLIN
Yes.

VICE-CHAIRMAN P. CAVALLARO
It’s the only way it’s going to settle it.

VIRAF COMMISSARIAT
Yeah, because again, ample space in the back. You, you wouldn’t, even this new shed thing that we are finding out, there’s more than ample place in the back next to, next to his swimming pool and so on. And, you know, there’s, there’s, there’s space on the other side. The, the other side neighbor might not even, you know, care if they, if they had a garage on the other side. (QUIET VOICE; UNCLEAR) So,

(VERY QUIET; UNCLEAR)

VIRAF COMMISSARIAT
I’m sorry if I’m a little bit loud today.

CLERK T. KELLY
No! I need you to be.

VIRAF COMMISSARIAT
Oh, yeah. That’s right.

COMM. L. ADANTI
May I ask a question, please? Did you say this red truck was on your property?

VIRAF COMMISSARIAT
No. No. It’s, it’s, it's adjoining those, those trees that the red, uh, it's, it's right there. Yes.

COMM. L. ADANTI
Okay.

VIRAF COMMISSARIAT
Yes.

CLERK T. KELLY
Mr. Chairman, I'm going to change the tape.

CHAIRMAN E. CONKLIN
Okay.

CLERK T. KELLY
Okay.

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

(MULTIPLE VOICES; UNCLEAR)

CHAIRMAN E. CONKLIN
Pardon?

(QUIET VOICE; INAUDIBLE)

CHAIRMAN E. CONKLIN
Yes.

VIRAF COMMISSARIAT
And he, just one more. If you, if you look at this, this rubble over here. These are the trees. So, this rubble is almost edging on the, on the boundary itself. Okay? If you look at it from the other, from the other perspective,

CHAIRMAN E. CONKLIN
Okay. Are you done?

VIRAF COMMISSARIAT
Yeah. What they were, what do you need? Do you need all the photographs?

VICE-CHAIRMAN P. CAVALARO
If you showed us, we have to keep them.

CHAIRMAN E. CONKLIN
Yeah. Anything that you showed us, that, too. Okay.
MAHARUKH COMMISSARIAT
Do we have the originals?

VIRAF COMMISSARIAT
I can print them.

MAHARUKH COMMISSARIAT
Do you have the, the original?

CLERK T. KELLY
Thank you.

VIRAF COMMISSARIAT
(QUIET VOICE; Unclear)

MAHARUKH COMMISSARIAT
Survey, no, survey.

VIRAF COMMISSARIAT
Oh, the survey, yes I did.

CHAIRMAN E. CONKLIN
All right. Okay. Your chance to, did you have a question?

COMM. B. VASSER
Well, the location of the property line seems to be in question but there's pins in the ground.

RICHARD SHOMSKY
Right.

COMM. B. VASSER
How is that a question? I don't understand.

VICE-CHAIRMAN P. CAVALLARO
Well, because the pins could be moved by anybody, technically.

RICHARD SHOMSKY
He already said they put them in.

CHAIRMAN E. CONKLIN
Well, the, they're set by the surveyor.
COMM. B. VASSER
He, he said they put

CHAIRMAN E. CONKLIN
Okay.

VICE-CHAIRMAN P. CAVALLARO
Hearsay.

CHAIRMAN E. CONKLIN
Well, they're on the surveyor, there on, there on the surveying map by the surveyor.

VICE-CHAIRMAN P. CAVALLARO
Doesn't mean they're in the right place.

RICHARD SHOMSKY
Excuse me. My neighbor unearthed the monument. And when I moved in there he told me the stake in the back, the pin, was the boundary line when I cut down some trees. He unearthed the monument in the front not long ago. That's the monument that the surveyor put in. The pin here is exactly where he told me when I cut down some trees and nothing has moved. I ran a string from there to there, so offset because of the trees are so big in the way I can't run a string exactly on the monument to the pin. So, for 6” off or 5” off, that's about it.

ART CAPOZZI
The, by moving the structure forward reducing the size and taking 3’ off, we have 15’ to that line and, and that's what we have. I mean, you see, you just measure. That's the property line. That's been verified and we have 15’. If, if that, that's not so acceptable well, that's something else. I mean, but we will have 15’. I just laid it out and I said we have to take 3’ off the house, reduce the size, and bringing it forward, you can see it, the more you bring it forward like we have 22’ here, 15 there. So, when we brought it 4’ forward we picked up another foot and a half or so and we have 15’ minimum.

CHAIRMAN E. CONKLIN
All right.

COMM. B. VASSER
I, I forget - Is there a, a drain field back here or a leaching field? Where is that?

RICHARD SHOMSKY
In uh, if you're looking at the house, right rear.
COMM. B. VASSER
Here.

RICHARD SHOMSKY
Yeah. Yeah.

COMM. B. VASSER
So, this, this area here is

RICHARD SHOMSKY
Is clear.

COMM. B. VASSER
Is clear. Yup.

CHAIRMAN E. CONKLIN
So, you're

RICHARD SHOMSKY
And you just did this thing with your pencil there what you can see the boundary line is so crooked.

COMM. B. VASSER
Well, whether it's straight or not

RICHARD SHOMSKY
Right. Right.

COMM. B. VASSER
The way the house is centered,

RICHARD SHOMSKY
Right.

COMM. B. VASSER
You still have the same distance

RICHARD SHOMSKY
Right. Okay.

COMM. B. VASSER
Left right. So, it doesn't really, whether it's sideways or, you know, it, it does, it does force one edge to be closer than the other.

RICHARD SHOMSKY
Right.

COMM. B. VASSER
Because of its shape, but it doesn't necessarily mean that you would be further away if the line was straight.

RICHARD SHOMSKY
Right.

CHAIRMAN E. CONKLIN
Are you looking for an A-2 survey? Or was it?

COMM. B. VASSER
No.

CHAIRMAN E. CONKLIN
You were asking for it?

VICE-CHAIRMAN P. CAVALLARO
I asked.

CHAIRMAN E. CONKLIN
You asked for it. Okay. There's 1/4

VICE-CHAIRMAN P. CAVALLARO
Hmm?

CHAIRMAN E. CONKLIN
There's ¼ that asked for it.

VICE-CHAIRMAN P. CAVALLARO
Yeah.

CHAIRMAN E. CONKLIN
Okay.
(MULTIPLE VOICES; UNCLEAR)

CHAIRMAN E. CONKLIN
Not only, can the, the A-2 survey, they would pin exactly where it's being built.

VICE-CHAIRMAN P. CAVALLARO
Right.

CHAIRMAN E. CONKLIN
Uh, if it

COMM. B. VASSER
Well, then in, in the dead of night those could be moved. So, I mean,

VICE-CHAIRMAN P. CAVALLARO
But it will be on paper then.

COMM. B. VASSER
Yeah, but I mean if, if they go out and put new pins in, survey the whole thing, that can be manipulated. I mean, what, where does it end if there's a malicious intent, there's a malicious

VICE-CHAIRMAN P. CAVALLARO
But once it's on paper we can see the relationship and the property line and that's on the record.

CHAIRMAN E. CONKLIN
It would be

COMM. B. VASSER
Well, it's on the record here. If he gets out there and he builds and, and the, and the pins if someone strikes a line and they're not 15' then guess what? They have to remove it.

RICHARD SHOMSKY
Right.

VIRAF COMMISSARIAT
But gentlemen, the, I mean, irrespective of the A-2 survey or not, he's requesting a 15' variance which, you know, which has no basis of any kind of hardship or anything of that sort, to kind of justify that variance. He had ample space in the back. He had ample space in the front. He has his space. You know, it's not like it's a very tiny lot.

CHAIRMAN E. CONKLIN
VIRAF COMMISSARIAT
Things can be done correctly but apparently the intent is not to do it in a, in, in a way which kind of satisfies the, the variances laws and so on. So, there is, there is like a special exemption being asked for which I, I want you, gentlemen, and, and, and, and, and, and, and the lady to consider that this is not something that's like 'Oh, I have ledge in the back of my house and therefore I can't this' or 'I have this in a, a huge, big, you know, rock or this or that'. This is essentially saying I want to be close to my neighbor's place because I want to build an exercise room. And so, it's something that you should take into account, also. It's not like there is any hardship. I keep on coming back to that.

CHAIRMAN E. CONKLIN
You're saying even if he built the structure in front of his house with a proper setback he still has road frontage of 50,

VIRAF COMMISSARIAT
That is his choice if he wants to do that. I can't do anything about it because he, he meets the law. As long as he, as long as he meets the, the, the letter of the law, I am nobody to question that he has this in the front or that in the back. Like, for example, when he built his swimming pool, I, I didn't. I didn't go to the town hall and say hey, you know, there's a swimming pool coming in there because I said hey look, he has every right to enjoy his, his own property. He, he put a swimming pool in a place where you know it, it doesn't encroach on mine and it was perfect.

CHAIRMAN E. CONKLIN
Okay.

VIRAF COMMISSARIAT
But now, but now it's coming to a point where, where, you know, it's, it's, it's too close, it's just too close. And, and, and then once you grant this variance it just, it just, it just becomes a line that, you know, you can, you, you can start doing, doing stuff there. And for him it's not a problem because he's going to have an exercise room and then a garage. But I have to face that, all of this, you know, all of this time. So, take that into consideration, also, that the hardship is on me. It's, it's, it's instead of, rather than someone proving hardship in order to do build something, I'm, I'm proving hardship saying sorry you can't build here.

CHAIRMAN E. CONKLIN
Okay.

RICHARD SHOMSKY
Excuse me. What's the um, offset for a, like a detached garage? Like a, for, variance for, from the sideline?

CHAIRMAN E. CONKLIN
Same.

RICHARD SHOMSKY
Same? What about a shed?

CHAIRMAN E. CONKLIN
Say can be, shed, uh, depending on the size,

RICHARD SHOMSKY
10’. Depending on the size - how big can you build a shed?

CHAIRMAN E. CONKLIN
I don't know them off the top of my head, but when it becom-- turns from a shed into a detached structure

RICHARD SHOMSKY
So, we have to look that up. That's 10’ off the line, that

MAHARUKH COMMISSARIAT
Shed behind the pool

ART CAPOZZI
Well, that's a small shed. You're not, that's not going to help you. You need a garage.

CHAIRMAN E. CONKLIN
It's a structure that cannot house a car.

RICHARD SHOMSKY
Oh, okay.

CHAIRMAN E. CONKLIN
Or anything of that nature. It'd be something in the neighborhood of 200 square feet, probably less than that, you know. It's not, not anything

ART CAPOZZI
Right.
CHAIRMAN E. CONKLIN

You know like that. Okay. Any questions? All right. I declare this hearing closed then. Thank you.

Later that evening, upon a motion made by Commissioner J. Jones and seconded by Commissioner L. Adanti, the Board unanimously voted to deny the application by Richard and Lynda Shomsky of 10 Cloverdale Avenue for a variance to Section #24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 30’ to 15’ in order to construct a single story addition consisting of a 22’ x 28’ garage and a 10’ x 15’ storage area in an R-1 zone. The decision was based on no land hardship to build the garage on the property and opposition to the variance.

AFTER THE CLOSING OF ALL THE EVENING’S HEARINGS, THE FOLLOWING APPLICATIONS WERE ADDRESSED BY THE BOARD DURING THE DISCUSSION PORTION OF THE MEETING:

1. #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.

Upon a motion made by V. Chairman P. Cavallaro and seconded by Commissioner J. Jones the Board unanimously voted that “In the application by 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,

The application for a variance is approved.

Inasmuch as the property will be in harmony with the neighborhood. Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 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.

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.

2. #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’ to 30’ 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.

(AWAITING INFORMATION; VOTE POSTPONED A FINAL TIME)

OTHER ITEMS OF BUSINESS:

MINUTES - Motion made by Chairman E. Conklin and seconded by Commissioner B. Vasser to approve the minutes from the June 18, 2019 hearing as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 8:30 P.M.