

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 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 CAVALLARO

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. What's in

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.

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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 Wavier 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

*David W. Turner*  
7/1/19

To Whom It May Concern,

I have received notification of the proposed Zoning Wavier 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

*Mark Starzecki*

To Whom It May Concern,

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


*John Mitola*  
~~Mike Mitola~~  
38 Rolling Ridge Road  
Shelton CT, 06484

*John Mitola*

*John*

To Whom It May Concern,

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



Edwin Velazquez  
33 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 infan-- or in, 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. CAVALLARO

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. CAVALLARO

It's got to be in front of that a little

CHAIRMAN E. CONKLIN

What's that?

V. CHAIRMAN P. CAVALLARO

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. CAVALLARO

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.

CLERK T. KELLY

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.

- - -  
NO VOTE TAKEN/REQUIRED; VARIANCE PREVIOUSLY APPROVED.  
- - -

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.

CHAIRMAN E. CONKLIN



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

M-A-H-A-R-U

MAHARUKH COMMISSARIAT  
M-A-H-A-R-U-K-H.

CLERK T. KELLY  
Okay.

MAHARUKH COMMISSARIAT  
It's a long one.

CLERK T. KELLY  
R-U-K-

MAHARUKH COMMISSARIAT  
H.

CLERK T. KELLY  
Right. Okay. Thank you.

VIRAF COMMISSARIAT  
Can I?

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

VIRAF COMMISSARIAT  
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

VIRAF COMMISSARIAT

What the, what the

CHAIRMAN E. CONKLIN

On the, across the property line.

VIRAF COMMISSARIAT

What the surveyor said was that 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. CAVALLARO

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 1/4 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

Um-hmm.

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.**

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