

Minutes - Shelton Board of Zoning Appeals
Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, March 21, 2017 at 7:30 PM.

1. #0117-02 **554 – 556 Howe Avenue, Pramod Kandel of 556 Howe Avenue, Shelton.**
2. #0317-01 **194 Mohegan Road, Lot #2, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.**
3. #0317-02 **194 Mohegan Road, Lot #3, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.**
4. #0117-01 **405 Long Hill Avenue, Jack and Josephine A. Gaida of 405 Long Hill Avenue, Shelton, (c/o Atty. Dominick Thomas, 315 Main Street, Derby)**

Chairman Edmund Conklin	Good evening ladies and gentlemen and welcome to the March meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations and appeals on zoning decisions and actions. When your application is called please come up to the table and give your name and address. To start the hearing our regulations require that you have placarded your property, and that you provide four pictures--one including the placard--and the receipts indicating that you notified your abutting neighbors 10 days in advance of tonight's hearing. If you don't have these, we will reschedule the hearing for the next meeting. When you come in front of this board, you are giving testimony. This is a hearing. If the decision made by this board at the end of the hearing is appealed and taken to the next level, it is the recorded testimony that is presented, and not any member of this board. Our minutes are transcribed verbatim. Two recorders on the table can only hear one person speaking at a time. The conversation at all times is between the person who has the floor and the board itself. Also, please turn off or mute your cell phones and any conversations please be taken out into the hall. Present tonight are Alternate Commissioner Jim Oraziatti; Linda Adanti; our clerk, Tina; myself, Ed Conklin; to my right is Jamie Jones, to his right is Phil Cavallaro, and to his right is Bryan Vasser.
Commissioner Jamie Jones	To whom it may concern, the following having applied to the Shelton Board of Zoning Appeals for certificate of approval, the public hearing and such applications will be held on Tuesday March 21st 2017 at 7:30pm in the hearing room of the municipal building, 54 Hill Street in Shelton, CT.
	#0117-02 554 – 556 Howe Avenue, Pramod Kandel of 556 Howe Avenue, Shelton.
Comm. J. Jones	Number 0117-02, 554-556 Howe Avenue, Pramod Kandel of 556 Howe Avenue, Shelton for variances to Section 24, Schedule B, Lines 9 and 10 to reduce the minimum setback on the left side property line from 12 feet to 7 feet and to reduce the minimum setback from the residence district boundaries from 40 feet to 30 feet in order to construct a two-story, 13' x 16' rear addition in a CB-2 zone. And this is continued from February.
Chairman E. Conklin	Applicant here? Please come up to the table. Have a seat please. Give your name and address for the record please.
Pramod Kandel	Yeah, my name is Pramod Kandel and I live in a 556 Howe Avenue, Shelton city.

Chairman E. Conklin	And do you have some pictures?
Pramod Kandel	Yes, of course.
Chairman E. Conklin	And do you have pictures of the property?
Pramod Kandel	Yeah. I'm just digging this one.
Chairman E. Conklin	Okay, hold on. And do you have your receipts for your abutting neighbors.
Pramod Kandel	Yeah, one of my neighbors is here. (<i>Mumbling/inaudible</i>)
Chairman E. Conklin	All right. Okay, tell us what you're trying to do and why you can't meet the regulations.
Pramod Kandel	Yeah, uh, because I need that property that uh--I've lived there over 10 years. But my kids are growing now and I have no space.
Chairman E. Conklin	Okay.
Pramod Kandel	I have to, either I have to move out or I have to make really small room there and leave the property.
Chairman E. Conklin	All right so is this a single-family or is this a...?
Pramod Kandel	It used to be when--before I bought it--it used to be double family. And the guy already changed the single-family.
Chairman E. Conklin	Okay.
Pramod Kandel	And now I tried to make little, small additions and leave the kids together over there for a while.
Chairman E. Conklin	All right.
Pramod Kandel	That's all.
Chairman E. Conklin	What else is this room--what's this room going to be used for, besides storage, anything else?
Pramod Kandel	Just nothing (<i>inaudible</i>) I cut down the tree. I put the paving site, driveway there. This here. And I have a little, small--the exact size is, I have 50 by 50 land on that side of the property.
Chairman E.	Okay.

Conklin	
Pramod Kandel	So...
Chairman E. Conklin	And you're just extending this--
Pramod Kandel	Just the, just this piece. Not, not all the way down.
Chairman E. Conklin	Okay.
Pramod Kandel	My neighbor's side, just this corridor.
Chairman E. Conklin	Okay
Unknown voices	<i>(Inaudible; talking over each other)</i>
Clerk Tina Kelly <i>(whispering to Chairman)</i>	We can't have that noise, Ed. It'll affect the tape.
Chairman E. Conklin	Questions?
Vice Chairman P. Cavallaro	I'm just trying to figure out where it is.
Pramod Kandel	This is my property. And this is the backside. This is Howe Avenue. And this is Perry Avenue, this side. This side, this is the property. Very, very <i>(inaudible)</i> I have the small property, than anybody.
Chairman E. Conklin	That's the one-way street that comes down.
Pramod Kandel	Yes.
Chairman E. Conklin	This is, this is Perry Avenue that goes up to the light. <i>(Indecipherable; talking over each other)</i>
Vice Chairman P. Cavallaro	I got you.
Chairman E. Conklin	Perry Avenue. Now, did you write on this back door?
Pramod Kandel	No.
Chairman E. Conklin	Okay. Just this section here?

Pramod Kandel	No, we have the door.
Chairman E. Conklin	No, was that there?
Pramod Kandel	That's the backside door all the time. Post, that's my post.
Chairman E. Conklin	Just saying, it looks different, it looks a different color.
Vice Chairman P. Cavallaro	It looks enclosed, here.
Pramod Kandel	Yeah, I closed it.
Chairman E. Conklin	Yeah, okay.
Vice Chairman P. Cavallaro	Mm-hmm.
Chairman E. Conklin	Is this going to have a full foundation?
Pramod Kandel	Uh, whatever the requirement.
Chairman E. Conklin	Okay. Yeah, the building permit will require a new foundation...
Pramod Kandel	Yeah, I'll check.
Chairman E. Conklin	Okay.
<i>(Voices talking over each other; indecipherable)</i>	
Chairman E. Conklin	Okay. Were you up to the Building Department, Planning and Zoning for this?
Pramod Kandel	I did, I did. But they say permitting and then we'll...
Chairman E. Conklin	Hey guys.... <i>(A lot of discussion among board members; indecipherable)</i> You don't notice that roof very much--that's a one-way street.
Pramod Kandel	That's right. <i>(Quiet discussion among board members; indecipherable)</i>
Chairman E. Conklin	Any, what questions you have? And he's enlarging just this section going back.
Pramod Kandel	Yeah, I'm never going all the way down to the property line.

Vice Chairman P. Cavallaro	No.
Pramod Kandel	I just wanted a piece of middle, middle piece.
Unknown voice	Did you say the side dimension had to be 12 feet?
Clerk T. Kelly	Oh, I'm sorry, his name?
James Allston	I'm James Alston.
Chairman E. Conklin	You have to wait until after we're set. We'll ask you for "any for or against" and then we'll address you, okay? It's going from 12 feet to 7 feet. Uh, rear variance is going from 40 feet to 30 feet. Now, how close is the--and we're not even going to the edge, so where is this house sitting on the property?
Vice Chairman P. Cavallaro	Oh right here, I mean it's no worse than--what's there now.
Chairman E. Conklin	Right.
Vice Chairman P. Cavallaro	This house is right on the property line.
Pramod Kandel	I'm just the small one in the line.
Vice Chairman P. Cavallaro	See over here, this house is even closer to the line than the back part of the house, so, consistent.
Chairman E. Conklin	It's not going--?
Pramod Kandel	It's not going all the way down.
Chairman E. Conklin	Yeah. The house has--you know--he has a little jutting when it sticks back so he's not going all the way. It looks like this house sits probably about 3 feet from the property line on the edge of the house (<i>from your house? - multiple voices</i>)
Pramod Kandel	Yes.
Chairman E. Conklin	Yeah. How many square feet is your house, do you know?
Pramod Kandel	Uh, 1450.
Chairman E. Conklin	1450?
Pramod Kandel	Yeah.
Chairman E.	Okay. And that's all--both stories, not the ground floor?

Conklin	
Pramod Kandel	Yes.
Chairman E. Conklin	Is that the total square footage?
Pramod Kandel	I don't know--that's all the record I have. I just calculated myself.
Chairman E. Conklin	Okay. All right.
Pramod Kandel	That was—I bought it in 2006.
Chairman E. Conklin	Okay. All right. Any other questions?
Commissioner James Orazietti	Okay, that's... where do you park?
Pramod Kandel	I have parking now. I have a driveway and backside parking.
Comm. J. Orazietti	All right, so you, so you pull around on the side of that in that photo right there, you pull in there, and you park in the back of that house?
Pramod Kandel	My, back of my house.
Comm. J. Orazietti	Right. So, if you--what type of structure are you looking to put back there, a garage?
Chairman E. Conklin	No, he's just looking to extend this house back.
Pramod Kandel	One room.
Chairman E. Conklin	This, this exact piece right here--this width--bring that back.
Comm. J. Orazietti	So, when you do that, will, where will you park?
Pramod Kandel	I still have three car parking spaces in the back of my property.
Vice Chairman P. Cavallaro	He's on the opposite side.
Pramod Kandel	Yes.
Vice Chairman P. Cavallaro	Here, show Jim this.
Pramod Kandel	I show you.

Comm. J. Orazietti	Nah, I'm pretty sure I'm familiar with the property.
Pramod Kandel	I have more space than anybody there. That side.
Comm. J. Orazietti	Right, you're like this.
Pramod Kandel	Driveway here.
Comm. J. Orazietti	Right, here's your driveway and you want to bump this out; so you park in this area right here? How will you turn around?
Pramod Kandel	Yeah, over here I have a, both, I have enough space to come here and come 50 feet this way.
Comm. J. Orazietti	50 feet wide?
Pramod Kandel	Yeah.
Comm. J. Orazietti	But if you bump this out—how many feet will this...
Pramod Kandel	I mean still I have the space--, I can
Comm. J. Orazietti	It would be, uh,
Vice Chairman P. Cavallaro	20 feet.
Comm. J. Orazietti	It'll be 20 feet.
Pramod Kandel	28 feet I think.
Commissioner Bryan Vasser	30 feet.
Pramod Kandel	30 feet.
Comm. J. Orazietti	30 feet. You're only going to go 30 feet out?
Chairman E. Conklin	No, no, 30 feet from the property line to there. You still got a lot of distance.
Comm. J. Orazietti	What I'm getting at is when you pull in, how will you turn around? Thirty feet isn't enough to--
Pramod Kandel	No, when I go is, I come here, I come here and then go this way. I have to back out.

Comm. J. Orazietti	You have to back out onto Howe Avenue?
Pramod Kandel	No.
Vice Chairman P. Cavallaro	No.
Pramod Kandel	No, I come from here; I back out over here, not here. Over here. I have a three-car parking after I make this house.
Comm. J. Orazietti	So you pull in like this, and you pull in right here.
Pramod Kandel	Yes.
Comm. J. Orazietti	And you're telling me with this bump out you'll be able to turn around back here?
Pramod Kandel	Yes, yes, absolutely.
Comm. J. Orazietti	A three-point turn?
Pramod Kandel	Yes. Yes. Yes.
Chairman E. Conklin	I'd be able to. Ha!
Comm. J. Orazietti	You would?!! You're a better driver than me. I got a (<i>indecipherable</i>) trailer truck like mine in there.
Pramod Kandel	It's not a big truck, but I have a SUV. Big SUV I can
Comm. J. Orazietti	What's that? And what's this bump out for?
Pramod Kandel	I have a valley. It's all level; valley, it used to be. So, that valley I just want to make...
Comm. J. Orazietti	You want to, you want to build up on it?
Pramod Kandel	Yes.
Chairman E. Conklin	16 feet by 13 feet.
Pramod Kandel	Yeah, that's a one piece for one room.
Comm. J. Orazietti	One floor?

Pramod Kandel	Two floors.
Comm. J. Orazietti	Two floors?
Pramod Kandel	Yeah.
Chairman E. Conklin	Yeah, same height as the existing.
Pramod Kandel	Little, little less than that. Single, little, little down.
Comm. J. Orazietti	So, bumping this out, are you gonna turn this into--turn this back to a two-family house?
Pramod Kandel	No, just the part for the kids if they want to hang out and live with me. It's been 10 years. I have no choice. I have to move out or I have to change the property. I believe I'm the only one landlord here that live (<i>inaudible</i>)
Comm. J. Orazietti	You're what?
Pramod Kandel	I'm the only one landlord that holds his kids there. Nobody live there. James doesn't live there. He lives in Woodbridge. So, I'm the only one landlord...
Chairman E. Conklin	Any other questions?
Comm. J. Orazietti	What's the hardship? He just doesn't have the size?
Chairman E. Conklin	Okay, is anybody in favor of this application? Okay. Is there anybody opposed to this application? Okay, name and address for the record please.
James Allston	My name is James Allston, 19 Bond Road, Woodbridge, Connecticut.
Chairman E. Conklin	Okay. And you obviously must own one of the abutting properties.
James Allston	The one to the right of this property if you're standing on Howe Avenue.
Chairman E. Conklin	If you're standing on Howe Avenue facing it, so the one--okay.
Vice Chairman P. Cavallaro	This one.
Chairman E. Conklin	Lot 12?
James Allston	Yes.

Chairman E. Conklin	Lot 12.
Vice Chairman P. Cavallaro	This one right here.
James Allston	Lot 12, yes. 558 and 560.
Chairman E. Conklin	Okay.
Vice Chairman P. Cavallaro	You'd be on the side of the addition, right?
Chairman E. Conklin	Yes, okay.
Vice Chairman P. Cavallaro	Excuse me. Is that the corner lot or the one on the right?
James Allston	No, no, the one to the right.
Vice Chairman P. Cavallaro	Okay, I got, I just want to be clear.
Chairman E. Conklin	Yeah, it's the street right, not our right. <i>(Laughter)</i>
Vice Chairman P. Cavallaro	All right.
James Allston	Okay, I just came from there and my biggest concern, or, well two of 'em--uh, I have two concerns. Number one is the dimension there, there was talk about 7 feet. I didn't see it. I measured from the house to the property line. I once got a ticket for trespassing. So, I think I know where that property line is--
Chairman E. Conklin	Mm-hmm.
James Allston	--and uh, I measured 5 feet, 8 inches to the property line from that part where he wants to start adding on--not to the house itself. The house itself is about two feet from where I think the property line is.
Chairman E. Conklin	Do you have anyone's survey map, or anything to support that, or?
James Allston	No, but some of that--there was some stakes that were removed that were there. There used to be a metal fence with concrete uh, in the ground and that was removed, uh, but the tree was there. When I got the ticket, the person that owned the house before him, I cut the tree, and the tree was right on property line, so that's what I go by, the middle of this tree.

Chairman E. Conklin	Mm-hmm.
James Allston	And, 'uhm, the judge let me go. I had to go to court over this. But, uhm, I measured to that point and I got 5 feet 8 inches, uh, from where the new addition would start and I got 24 inches from where the existing house is. So, I don't know where you're getting the seven feet from or that 12-foot I guess is what's required.
Chairman E. Conklin	Well, 12-foot's what required by the...
Vice Chairman P. Cavallaro	The addition's not coming out any further than the existing house.
James Allston	Right, I understand. It's back, actually 4 feet, for the back. So that would be 5 feet 8 inches, which is what--I just came from there and measured it, and uhm, 'cause I was looking at what he sent me and it's kinda hard to, hard to see. You know, right here, you know? That's all I had. I had no idea what he's putting there, how high the structure is, or, but--I've seen a flash there, I don't know what he's using it for--
Chairman E. Conklin	Here's a picture of what he submitted to us.
James Allston	Yeah, that's the uh, closed porch.
Chairman E. Conklin	Right, and he's extending that section of the house back.
James Allston	And see that, there's a problem with the sun. I get no sunlight as it over there. You've got that, that, what is it a 12-family brick building on the corner. And there's just no sun there anyway. But, uh,
Chairman E. Conklin	Okay.
James Allston	You know, it's kinda like blinders: the closer they get, the worse effect you get--
Chairman E. Conklin	So, you're questioning whether the measurements are correct, and you're opposed in general tonight?
James Allston	Yeah, they're, they're not to my knowledge, they're not correct.
Chairman E. Conklin	Anybody else opposed to this application? Okay, any other questions from the board? I'm sorry.
Ruth Parkins	I don't oppose at all. I'm not in favor of it; I just wanted clarification: is this the convenience store? The convenience store on the bottom floor?
Pramod Kandel	Not there.
Ruth Parkins	Not there. Okay, that's all I wanted to know.

Chairman E. Conklin	Just a residence, single-family residential house.
Pramod Kandel	I used to (Inaudible)
Ruth Parkins	I just wanted to make sure it wasn't a convenience store that we passed on to planning and zoning (<i>Indiscernible</i>)
Chairman E. Conklin	Right, right. (<i>Voices talking over each other.</i>)
Clerk Tina Kelly	I need her address.
Chairman E. Conklin	What's that? Yeah, why don't you identify who you were?
Ruth Parkins	Okay. Oh, I'm sorry Ruth Parkins.
Clerk Tina Kelly	(<i>Laughter</i>) And your address?
Ruth Parkins	Planning and Zoning Chair. 21 Meadowlake Drive.
Clerk Tina Kelly	Okay, perfect.
James Allston	Could I ask a question?
Chairman E. Conklin	You have to ask us the question.
James Allston	If you just dug out the basement, was that for more living space, or for... ? 'Cause I had been in that house before he bought it and it was a concrete floor. It wasn't as deep as it could have been.
Chairman E. Conklin	Okay.
James Allston	But uh, I noticed that some renovations were done--there's still a big pile of dirt, you know that's right next to my driveway.
Chairman E. Conklin	That would be a building department issue. Okay? We don't handle that at all.
James Allston	'Cause I'm just thinking that something was already got an addition, something that was halfway in the works, if not completed.
Chairman E. Conklin	Yeah, you'd have to take that up with the building department--whether it's a building issue or not. Okay. Any other questions from the board?
Commissioner Linda Adanti	Well, Jim had a good point--what's the hardship? I'd just like to hear it stated in this, in this particular issue.
Chairman E.	Okay, what, what is actually the hardship that you have here?

Conklin	
Pramod Kandel	Pardon me?
Chairman E. Conklin	What, what is the hardship that you are claiming here of why you have to do this?
Pramod Kandel	Because I need, I told you already, over ten years my kids are growing and they want to live.
Chairman E. Conklin	Okay.
Pramod Kandel	So, I have a really small property than any neighborhood and I just want to make one room. My son and my daughter, they want to live a while with me.
Chairman E. Conklin	Okay.
Pramod Kandel	So that's why I--not enough. That's one of the reason. No rent out, not for business. Just for family.
Comm. B. Vasser	So, not so much a personal hardship--a hardship with the property that's required... that's what we're--
Chairman E. Conklin	That's what he gave as a hardship. What he gives is what he gives.
Comm. B. Vasser	All right.
James Allston	Mr. Chairman? Where did you get the 7 feet measurement from? How did you get--
Pramod Kandel	Yeah, because I have a, I have a--in the street, I have a fence. On my property line, I put one row: property line to corner. And I get the 7 feet there, but if not, I don't know. Maybe he measured-- I did not take the short way over there, but I have 51-feet wide in my front. My front is a 51-feet as a--
Chairman E. Conklin	Okay.
Pramod Kandel	As a (<i>indecipherable</i>)--then I calculate the 51 feet. 51 feet comes 7 feet there. That's why my (<i>calculation?/unclear</i>) -I didn't take any (<i>sure?/unclear</i>) figure.
Chairman E. Conklin	Okay. And it's a square lot, 51-feet square.
Pramod Kandel	Yeah.
Chairman E. Conklin	Okay. By 100. Okay. Any other questions? All right. I declare this hearing closed. Thank you.
Pramod Kandel	Thank you.

	<p>#0317-01, 194 Mohegan Road, <u>Lot #2</u>, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.</p> <p style="text-align: center;">AND</p> <p>#0317-02, 194 Mohegan Road, <u>Lot #3</u>, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.</p>
Comm. J. Jones	<p>Number 2, #0317-01, 194 Mohegan Road, <u>Lot #2</u>, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT, for a variance to Section 24.11.1 to reduce the access width/road frontage leading to the rear, residential lot #2 from 30 ft. to 20 ft. in an R-1 zone.</p> <p>Number 3, #0317-02, 194 Mohegan Road, <u>Lot #3</u>, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT, for a variance to Section 24.11.1 to reduce the access width/road frontage leading to the rear, residential lot #3 from 30 ft. to 20 ft. in an R-1 zone.</p>
James Swift	<p>Hi, Mr. Chairman, my name is Jim Swift, professional engineer representing the applicant. I have a procedural issue to discuss, uh, the uh notices were sent out and the photographs were taken but they were not processed and I do not have them tonight. I'm gonna ask that this hearing be continued for next month so I can submit those necessary items for the commission. And the reason I would like to request that we uh proceed with most of the hearing tonight is because there are a lot of neighbors here that I would not want to inconvenience. So, if that's acceptable with the commission, I'd like to proceed and deliver those photographs and the certificates of mailing at a continued next month.</p>
Chairman E. Conklin	Anybody have a problem with that?
Vice Chairman P. Cavallaro	I don't have a problem with it, but is it (<i>inaudible</i>)
Chairman E. Conklin	Yeah. Got a problem?
Comm. L. Adanti	It's okay.
Chairman E. Conklin	You're all right, Linda?
Comm. L. Adanti	I'm fine with it.
Chairman E. Conklin	Okay. And again, for the convenience of the people that were, that were
Clerk T. Kelly	I need his address.
Chairman E. Conklin	All right. We got to finish our--address? Documentation? We need an address for the record.
James Swift	Uh, 102 Village Drive Shelton, Connecticut. So, Mr. Chairman, the application is for furnished variances that you see in the actual form that you have before you, but I'd like to give the commission a little bit of background, uh, on the parcel. Uh, and these

	<p>maps, uh are prepared uh, to demonstrate what the actual hardship of the property is. Uhm, we have a parcel that's approximately five acres. It can support four lots of R1 development property. Uhm, and the map that I have just passed out shows the commission that this five-acre parcel can support the four lots that we're proposing. Uh, with a standard city street. Uh, we can support those four lots that we're proposing with a standard, standard city street. We can support those four lots with a standard city street with no variances whatsoever, all the proper areas, all the proper areas minus wetlands, all the proper frontages, squares, so on and so forth; so, so this map demonstrates uh, that the four lots do exist on the site, meeting all zoning regulations. Uh, having said that we have prepared the application that, uh, requests, a variance for frontage for two real lots, and the reason for that is that uh if we were to provide a standard rear lot configuration, that requires 30-feet of frontage--that's a 60-foot total as opposed to the 50-foot total for the roadway. Hence, we are short for that much distance. We did do some preliminary staff meetings with, with the Zoning Commission, and as per their usual way, they encourage us to look at trying to get these sort of small subdivisions done without roadways that do a couple of things: the burden on uh, the maintenance departments of the town because of the requirement to maintain the streets. They increase the pavement areas and the runoff rates in the area, and for those reasons they encourage us to investigate whether these sorts of developments are possible. And as you can see from the plan in front of you, we have done the Solus testing, we have done, examined the lots for all other required conformance issues. They do conform to all those issues with the exception of a twenty-foot wide access instead of a thirty-foot wide access. And that's our hardship, is that the, the configuration of this property even though it does support the four lots in either one of these methods, it is not physically quite wide enough to meet the, that uh, that rear lot particular layout. And if you have any questions, I'd be glad to answer them.</p>
Chairman E. Conklin	Okay, the lot frontage on these--what is the lot frontage on Lot 1 and Lot 4?
James Swift	Uh, they are both about 150 feet, just, just a little bit more. So they, they have... well let me rephrase that. They're 150-foot frontage on Mohegan Road and uh--because that's about where, that's where the square falls--so, yes frontage is a little more than 150 feet.
Chairman E. Conklin	Okay. So there's, I mean you can go down to 135 feet if I remember right, correct?
James Swift	We can, but then we have a minimum square issue 'cause the minimum square must touch the front setback of Mohegan Road.
Chairman E. Conklin	Okay. Questions? Did you see the finished map, Bryan?
James Swift	I have a (<i>reduction?</i>) to that as well.
Chairman E. Conklin	Just one on each side is, will work.
James Swift	Okay.

Comm. L. Adanti	Thank you, Chair.
Chairman E. Conklin	Any consideration to a single driveway?
James Swift	Uh, the actual driveway itself can be done; physically it can be accommodated. Uh, generally speaking owners would like to see their own driveway as opposed to actual, joined-pavement, common driveway. Uh, but it is physically possible.
Chairman E. Conklin	What--how are these going to be finished?
James Swift	They are less than ten percent, so they do not have to be paved. I'm not sure what the owners' intention is as to whether it will be paved or not. That has, decision has not been made?
Unknown voice	No.
James Swift	Yeah, that decision has not been made.
Chairman E. Conklin	'Cause I see no snow shelf here at all, to put snow. There's five feet, which isn't really enough.
James Swift	Filling, or?
Chairman E. Conklin	Because if you use gravel driveway, you're going to be dumping gravel onto the neighbor's lawn for them to clean up.
James Swift	I understand.
Chairman E. Conklin	Which, to me, I would like to see--if it goes forward it would be paved.
James Swift	So in that case, if the commission is suggesting that the driveways, the pavements be combined with a slightly larger shoulder on both sides, that's, that's...
Chairman E. Conklin	Near the other yard, that could be some sort of snow shelf or something, that you know--so you're not dumping everything onto a neighbor's property.
James Swift	That can be done.
Chairman E. Conklin	Questions?
Comm. J. Oraziatti	Just a minute, you lost me a little bit here. Which one are you proposing, this one?
James Swift	The one that requires the variance is the two, rear lots.
Chairman E. Conklin	Yes.

Comm. B. Vasser	That one there.
Chairman E. Conklin	Without the driveway--without the roadblocks, sorry.
James Swift	The one with the roadway is to demonstrate that we have four lots that we conformed in all respects with no variances.
Vice Chairman P. Cavallaro	But, this is the one you want to go forward with?
James Swift	That is the one I want to go forward with.
Comm. J. Jones	Jim, with the proposed road on the original one, shouldn't that be a private road? Because then it's only one curb cut onto Mohegan versus three and four.
James Swift	It could be a private road but it's, it's this--well...
Chairman E. Conklin	It's your decision because you own the property.
James Swift	You got me on that one. Good question. It's a very good question. Uhm,
<i>(Multiple voices; indiscernible)</i>	
Vice Chairman P. Cavallaro	There's no curb on Mohegan, it's dangerous (?)
Comm. L. Adanti	It's not safe.
James Swift	That is a very, very good question. I'm gonna, I'm gonna have to do research on that for one reason. There's a, uh, city ordinance that says that uh no lot can obtain a building permit unless it has 20 feet of frontage on an accepted city street. So, the question I would have is, the research I would have to do is uh, does 20 feet of frontage on a private road--which is by definition not an accepted, maintained city street--uh does that get us past the ordinance. So, I don't have an answer to that question tonight. It's a very good question.
Chairman E. Conklin	Linda?
Commissioner Linda	I'm good.
Chairman E. Conklin	Okay. Phil? Bryan?
Comm. B. Vasser	No.
Chairman E. Conklin	Okay. All right, let me see what's going on. Okay, anybody in favor of this application? Is anybody in favor of this application? Is anybody opposed to this

	application?
Unknown voice	Who's tonight voting?
Chairman E. Conklin	Well you have to come up to the table.
Unknown voice	We're at Hearthstone Drive, Carrolls.
Clerk T. Kelly	He's got to tell his name.
Chairman E. Conklin	Name and address for the record, please.
Tom Carroll	Tom Carroll. 2 Hearthstone Drive. My, my concern is, the idea is--I've already talked to Jim--and that I didn't like four driveways in one. I just don't like that on the main road.
Chairman E. Conklin	What's that?
Tom Carroll	The four driveways.
Chairman E. Conklin	Okay.
Tom Carroll	The other concern I have is this is a high water table so you start putting foundations in there and more people, it's gonna start pushing water. All right, where's it gonna go? Into my property, or anybody that's over there. That's my concern. My concern is the high water table over there. Like I said, you start putting foundation in, water's gonna start going somewhere. And that's my big concern.
Chairman E. Conklin	All right.
Vice Chairman P. Cavallaro	Are these properties perked?
James Swift	Uh, we had performed all the septic. You have uh, just so the committee has a good idea, lots 1 and 2 are the best soils on the lot. Lot 3 is acceptable and lot 4 is acceptable, but I would characterize it as a high groundwater table.
Chairman E. Conklin	These are going to be served by city water, correct?
James Swift	Yes.
Chairman E. Conklin	<i>(Multiple voices)</i> It's all city water on that street. Okay, is anybody else opposed? Thank you very much.
Unknown voice	We're, we're the corner; we're the adjacent to Lot 3.

Chairman E. Conklin	Name and address for the record, please.
Unknown voice	Uh, 198 Mohegan.
Chairman E. Conklin	Name, please.
John Cessna	Cessna, John.
Cynthia Cessna	Cynthia. Uh, this is an active wetland. I mean there's a swamp; there's a pond. You can actually skate there in the winter.
Chairman E. Conklin	Yeah, they have it; it's marked on the map here.
Cynthia Cessna	Right, I know. But what I'm just saying is there is a lot of water in this area. This other part is higher; it's more like a high meadow--the back part of this property. But this end is low and very swampy. And I would be very concerned about, you know, the position of the house on that property, and exactly what's going to happen to move the water into our area.
Chairman E. Conklin	Which, you're the lot on Mohegan Road?
Cynthia Cessna	Yeah, we're at the corner of Mohegan and Hearthstone.
John Cessna	We have part of the swamp on our property.
Chairman E. Conklin	Okay.
John Cessna	And you know, I'm not sure (<i>multiple voices</i>) if the proposed position of the house; would be identical in this plan or where the house would end up? You know, I'd be concerned about the septic and that area as well.
Cynthia Cessna	And how much they're going to raise the profile of the property, you know, is the house going to have walk-out on the back, what's it gonna, you know, if it's gonna...
Chairman E. Conklin	If I'm not mistaken, they cannot force runoff or create more hardship on your property.
Cynthia Cessna	Right.
Chairman E. Conklin	They're required to
Cynthia Cessna	But I guess it really needs to be looked at in all kinds of seasons because it's a very active water area.
John Cessna	And, and where they've got the house positioned now, ya know, gonna have to remove the stonewall that's there; I don't know if there's any regulations historically

	in Shelton about preservation of stone walls. But I know at times the water is almost up against that stone wall, so--I was actually to look--I have photos, I think, of that wetlands area and at times, that's you know, it's a lake.
Cynthia Cessna	You, you'll have to go to wetlands after this body, correct?
Chairman E. Conklin	Yes. Their just asking, we're only interested in one item and that's this item right here. That's the thing--that's a part of us.
John Cessna	So, the variance isn't on the backs of the property coming near us--
Chairman E. Conklin	No, no--
John Cessna	--it's a variance is really to be able to make that driveway.
Chairman E. Conklin	In lieu of the city building and maintaining a city road, they're looking to put a driveway in instead. That's really the long and short of it.
John Cessna	So the position of the house--
Chairman E. Conklin	That would be something you'd bring up with Inlands/ Wetlands or--
John Cessna	Right...
Chairman E. Conklin	--that situation.
John Cessna	Okay.
Chairman E. Conklin	Okay?
Cynthia Cessna	All right. Thank you.
Vice Chairman P. Cavallaro	The house is the required 50 feet so...
Chairman E. Conklin	Right, it's off the wetlands
Vice Chairman P. Cavallaro	Off the wetlands.
Unknown voice	It'll be done right. There will be no water there.
Chairman E. Conklin	Okay, is anybody else opposed to this application?
Unknown voice	I'm not sure I am, but I came here tonight to try to figure out what the plan is.

Chairman E. Conklin	All right, come up to the table please. Give your name and
Unknown voice	I own one of the abutting properties on Hearthstone as well.
Chairman E. Conklin	Name and address for the record please.
Tom and Donna Doherty	Sure, uh Tom and Donna Doherty. 14 Hearthstone.
Chairman E. Conklin	Okay, whereabouts?
Tom Doherty	Down at the end. <i>(Talking over each other)</i>
Chairman E. Conklin	The corner of, the corner's the median of Lot 3.
Tom Doherty	Gotcha. Okay.
Chairman E. Conklin	Okay.
Tom Doherty	You're not handing stuff like that out?
Chairman E. Conklin	I'm sorry?
Tom Doherty	You're not handing stuff like that out?
Chairman E. Conklin	Well, you can have it.
Tom Doherty	Yeah?
Chairman E. Conklin	Sure.
Tom Doherty	We came tonight not to oppose or be for it we just thought we'd find out about it.
Chairman E. Conklin	All right. Okay. Okay. All right. The hearing is going to be open until next month.
Tom Doherty	Okay.
Chairman E. Conklin	So it's going to be continued, this hearing.
Tom Doherty	Thank you.
Chairman E.	Anybody else opposed? Name and address for the record please.

Conklin	
Alex Debicella	Alex Debicella. 1 Lazy Brook. I'm just (<i>inaudible</i>).
Chairman E. Conklin	Okay.
Alex Debicella	I just wanted to (<i>inaudible</i>)...
(<i>Multiple voices</i>)	
Clerk T. Kelly	I'm sorry
Alex Debicella	Yup these are the exact
Chairman E. Conklin	Back corner...you're, you're
Clerk T. Kelly	Could you repeat your name please? Sorry.
Alex Debicella	Yep! Alex Debicella.
Chairman E. Conklin	Okay.
Alex Debicella	Actually my name is right here.
Chairman E. Conklin	Alexandra, okay, Debicella okay.
Alex Debicella	Yep, I just wanted to...
(<i>Unknown voice</i>)	If you get water on my notes...ha, ha, (<i>laughing</i>)
Chairman E. Conklin	Anybody else opposed? Okay. Questions from the board right now?
Comm. B. Vasser	Uh, I have one question: explain to me again why not do it this way?
James Swift	Uhm, the, the city has a, a history of trying to get us to avoid doing a city street when, uh, two rear lots would be practical. And in a lot of cases, such as this, uh, we'll have a situation where you wouldn't need any variances if--if the frontage that we had on Mohegan Road was just another 10 feet, then we would've be able to execute this plan with two, 30-foot right-of-way, rear lots. And we wouldn't, we wouldn't be here, it would be in total conformance with the zoning regulations.
(<i>Multiple voices</i>)	
Chairman E. Conklin	Yes.
Comm. B. Vasser	Right.

Chairman E. Conklin	And on top of that, if you do the street, that means the city pays for taxes to maintain it, it has to take care of the watercourses on it. Where--
Comm. B. Vasser	Right.
Chairman E. Conklin	--this way it's the responsibility of the builder.
Comm. B. Vasser	Right.
James Swift	And to be fair, I mean, you know, we can debate whether the economics of this favor the road or we save money by the rear driveways. But in a lot of cases, you know, maybe not current economic development, we'd have developers that would rather build the road. For the very reason that it increases the values of the lots and when some of these folks are saying, yeah and then we can get all of the driveways off that, well, the lots are, are worth more, if the driveways aren't going out to Mohegan Road. They're only going to the neighborhood. So you could debate whether we're gaining or losing economic benefit on this. But that, that's the history of the town is, is, we don't want short roads but what you do in rear lots, (<i>do it in rear lots?</i>). But we're here because we don't quite have the frontage.
Comm. B. Vasser	All right. I understand, thank you.
Comm. J. Orazietti	I don't know, I'm just looking at this, Jim--but have you considered like, uh, the uh two driveways, two separate, two shared driveways? Where--because you have four entrances off of Mohegan so that's kind of my concern. In such a short distance, you have four egresses off of Mohegan. What has--have you considered anything like sharing these driveways?
James Swift	Well, well we have, but it's, it's when you're trying to sell a house, it's better if you're not married to your neighbor quote, unquote.
Comm. J. Orazietti	I understand that.
James Swift	If we had, uh, say, say we didn't quite have the area for this.
Comm. J. Orazietti	But my question is would that put you in conformity, though? 'Cause then you'd still have the frontage...
James Swift	No, because it has to do with the width of the access way in the rear lot. So we did manage to get this to what should appear to be three driveways cuts because the two rear lot driveway apron are one single apron; and they don't diverge into two driveways until they start getting into the lots. But, you know, that's nit picking, I mean certainly if you look, you know, 50 feet in the property, you can see that there's four driveways. But that, that's just the nature of the beast, in this kind of lot situation.
Chairman E. Conklin	The short answer's yes.
James Swift	But it's a longer answer.

Chairman E. Conklin	I understand.
Comm. J. Orazietti	Because getting back to Bryan's question, is the, you know, can this be a private roadway down the road?
James Swift	That's going to require some studying and we may have something to say about that one way or the other on the next meeting.
Comm. B. Vasser	Quite possibly it would be a better variance to request that the limitation, or--
Chairman E. Conklin	--there'd be no variance.
Comm. B. Vasser	What's that?
Chairman E. Conklin	There would be no variance.
Comm. B. Vasser	Well, if the ordinance can be, if there's an ordinance that requires--
Chairman E. Conklin	There's other private roads--there's other private roads in this town that go up a distance.
James Swift	There are, there are. And I have to investigate the methodology. I mean most of those are planned development districts. Uh, you know, Perry's development--the development on Perry Hill Road is one, you know there's--
Chairman E. Conklin	Yeah.
James Swift	--you know, there's there's a few of them around. Uh, I don't know whether those fall closer into the realm of a condominium type of a set-up because the association is so strong. But I'll look, I'll look into it, I'll have a good answer--
Comm. B. Vasser	Again, the point I'm making is that, if there an ordinance that prohibits that from happening, that would be the (<i>/?inaudible</i>) variance, to ask for that.
James Swift	Well, you can't, you cannot, you can only vary zoning regulations. You cannot get a variance from an ordinance by the Board of Aldermen. Can't be done.
Comm. B. Vasser	Okay.
James Swift	It's strictly the regulations on the book.
Comm. B. Vasser	Right, but it would be a city road. But we're trying to make it a private road.
Chairman E. Conklin	All right, guys. We're gonna, we're gonna continue this to next month anyway. So, you can think about it and a couple of questions next month. All right? All right. Thank you. See you next month.
James Swift	Thank you.

Comm. J. Jones	Uh, Mr. Chairman, did you state your name and address for the record?
Duane Howell	Oh, I'm sorry. Duane Howell.
Comm. J. Jones	And address?
Duane Howell	28 Hidden Pond Lane, Trumbull. (<i>Papers rustling</i>)
Chairman E. Conklin	If everybody didn't hear that, this is going to be continued to next month. Okay? It'll still be open. You'll be able to give input if you want.
Unknown voice	Will we receive mail on the date?
Chairman E. Conklin	No, it's always held on the third Tuesday, third Tuesday of the month. 7:30.
Clerk T. Kelly	Mr. Chairman, I'm going to change the tape.
Chairman E. Conklin	I declare the hearing closed.
	NOTE: #0117-01 405 Long Hill Avenue, Jack and Josephine A. Gaida of 405 Long Hill Avenue, Shelton. NOT DISCUSSED - "FOR POSSIBLE DECISION ONLY."

WORKING SESSION:

1. #0117-02 554 – 556 Howe Avenue, Pramod Kandel of 556 Howe Avenue, Shelton, for variances to Section 24, Schedule B, Lines 9 and 10 to reduce the minimum setback from the left side property line from 12 feet to 7 feet and to reduce the minimum setback from the residence district boundary from 40 feet to 30 feet in order to construct a 2-story, 13' x 16' rear addition in an CB-2 zone.

Motion made by Commissioner Vasser and seconded by Commissioner Adanti to deny the variance. Application for variance denied by a 3 to 2 vote.

2. #0317-01 194 Mohegan Road, Lot #2, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT, for a variance to Section 24.11.1 to reduce the access width/road frontage leading to the rear, residential lot #2 from 30 ft. to 20 ft. in an R-1 zone.

AND

3. #0317-02 194 Mohegan Road, Lot #3, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT, for a variance to Section 24.11.1 to reduce the access width/road frontage leading to the rear, residential lot #3 from 30 ft. to 20 ft. in an R-1 zone.

Hearings continued to April meeting.

4. #0117-01 405 Long Hill Avenue, Jack and Josephine A. Gaida of 405 Long Hill Avenue, Shelton, (c/o Atty. Dominic Thomas, 315 Main Street, Derby), for a variance to Article 24, Section 24.8.4 to create driveway access through an R-1 residential zone to an IA-2 industrial/commercial building zone.

Motion made by Commissioner Vasser and seconded by Commissioner Jones to postpone the decision until the April hearing. Motion approved by unanimous vote.

Acceptance of the Minutes of February 21, 2017.

Motion made by Commissioner Jones and seconded by Commissioner Oraziotti to approve the minutes as presented by the clerk. Motion passed by unanimous vote.

Meeting adjourned by approximately 8:30 P.M.

SHELTON BOARD OF ZONING APPEALS

Respectfully submitted by **Tina M. Kelly**
for Philip Jones, Secretary