

Minutes - Shelton Board of Zoning Appeals  
Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday April 18, 2017 at 7:30PM

1. #0317-01     **194 Mohegan Road, Lot #2, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.**
2. #0317-02     **194 Mohegan Road, Lot #3, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT.**
  
3. #0417-01     **4 Fawn Hill Road, Carlos Fernandes of 4 Fawn Hill Road, Shelton.**
4. #0417-02     **360 Nichols Avenue, Samantha and Christopher Cook of 360 Nichols Avenue, Shelton.**
  
5. #0417-03     **53 Wheeler Street, Lot #1, Joseph Geoghan of 72 Wheeler Street, Shelton.**
6. #0417-04     **53 Wheeler Street, Lot #2, Joseph Geoghan of 72 Wheeler Street, Shelton.**
7. #0417-05     **137 Howe Avenue, Dominic and Jean Fabozzi, LLC of 100 Myrtle Street, Shelton.**
  
8. #0417-06     **27 Weybosset Street, Wlodrimieiz Pawilcz of 27 Weybosset Street, Shelton.**
9. #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 POSSIBLE DECISION)**

Chairman Edmund Conklin	Good evening ladies and gentlemen and welcome to the April meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations appeals and on zoning department decisions and actions. When your application is called please come up to the table and give your name and address. To start the hearing our regulations require that you have placarded your property, that you provide four pictures--one including the placard--and that the receipts indicating that you notified your abutting neighbors 10 days in advance of tonight's hearing. If you don't have these, we'll reschedule your hearing for the next meeting. When you come in front of this board, you are giving testimony. This is a hearing. If the decision made by this board at the end of the hearing is appealed and taken to the next level, it is the recorded testimony that is presented, and not any member of the board. Our minutes are transcribed verbatim. The two recorders on this table can only hear one person speaking at a time. The conversation at all times is between the person on the floor and this board. Please turn off or mute your cell phones and any conversations in the audience need to be taken out into the hall. Present tonight, our Alternate Commissioner James Oraziatti; Commissioner 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 April 18th 2017 at 7:30pm in the hearing room of the municipal building, 54 Hill Street in Shelton, CT.
	<b>#0317-01   194 Mohegan Road <u>Lot #2</u>, Duane Howell of 28 Hidden Pond Lane, Trumbull, CT, <u>AND</u>  #0317-02   194 Mohegan Road, <u>Lot #3</u>, Duane Howell of 28 Hidden Pond Lane,</b>

	<b>Trumbull, CT.</b>
Comm. J. Jones	#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 feet to 20 feet in R-1 zone. This is a continued hearing. And 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 feet to 20 feet in R-1 zone also being continued from last month.
Chairman E. Conklin	Gentlemen? Name and address for the record, please.
James Swift	Yes, uh Jim Swift, professional engineer. 102 Village Drive, Shelton, CT.
Chairman E. Conklin	And you were going to supply us with the things that were missing from last week.
James Swift	Yes I am. And I uh, I thank the commission for their patience. And ( <i>inaudible</i> ) and here's the photographs.
Chairman E. Conklin	I've seen these already.
James Swift	And, uh, the certificates of mailing from two weeks prior to the previous... Uhm, unless the commission has any further questions, I think there was one outstanding question as to--
Chairman E. Conklin	Well, we have to--the issues that were left on the table last time were uh, one of the issues of a private road--I mean these were discussions that we had--a single versus a shared drive, a single/shared driveway, paved versus gravel, reduction of the square of the lot, uh for the proposed lot frontage, and uh stipulate city water. So, those were the things we discussed.
James Swift	Mh-hmm, yup. The uh, the squares fit in, uh, all cases, both in the uh, the uh conventional subdivision with the public roadway and with the plan that's uh presented in front of you. So, we don't have any issues there. Uh, we are providing the municipal water--uh, again, in either case, whether it's with the city street or with, uh, the granting of the variances. Uhm, lastly the issue of the, the driveways, the current proposal is to do them, uh, with separate driveways through the access ways to the rear lot, but with a uh, a single curb cut on Mohegan Road. Uhm, and the reason for proposing it that way is it, it uh, negates any necessity to have any kind of an association or anything of that nature between the homeowners so that they can all go about their business. Uh, we did look at the possibilities of the private road. Uh, and we, uh, looked into what that would entail, and basically there's not really a difference between the public road and the private road. You know, it's the same cost, and the same, uh, same set-up. So, uh, although we could build a public road, or uhm, a private road, uh I think that the residents here would be better served with a public road because then they wouldn't have to depend on cooperation of their neighbors for any maintenance or anything like that. So, uh, given the choice of a public road or a private road, we would go with public road. So, again, the uh, it seems like the uh interests of both the four potential owners and the interests of the city seem to indicate that uh, that the variance is reasonable.

Chairman E. Conklin	Well, one of the other issues that was brought up was reducing the road frontage because you can go down to 135 feet, uh, and reducing the square on the lot which would enable you to get the full access that you need. Because even, no matter what, even now as it stands, if you plow those driveways the, whatever material that's on there is going to go into the neighbor's yard.
James Swift	Yeah, the way that we plan on, uh--and I'm not sure if this answers your question, but I'll explain the logic of the design because of course you don't see the grading on this yet--uh, but if you do notice that we do have some drainage laid out on the plan just to get a feel for what's going on and the current plan that I have in mind is that there'll be a grass swale, a sort of bio filter if you want to call it that, uh, but all the drainage will be directed down between the two driveways, uh to the catch basin. So, in any plowing or anything of that nature, we can try and keep the water, uh, central. Uh, the driveways are fairly flat so we can do it graveled if we wanted to. You know, the, you know, depending on costs and things. Uhm, as far as uh expanding out the, the width, uh that would come into play with the hum, the square. If we were to, uh, modify this so that these were 30-foot wide, with 135-foot frontage on Mohegan Road for these two side lots, uh, we could do that, but then we couldn't fit the square on the lots.
Chairman E. Conklin	Right, you'd need a variance for the reduction of square.
James Swift	We would need a reduction for a variance of square.
Chairman E. Conklin	Right, and reduction of road frontage.
James Swift	Yes.
Chairman E. Conklin	Okay. Questions?
Vice-Chairman Phillip Cavallaro	No, the only concern was really, you know, plowing the snow in the wintertime. You know, you're, you're gonna create an argument that the snow winds up on the wrong driveway.
James Swift	Uh, we can, we can look at reducing the driveways. Uhm, one of the things that we have in this 20-foot right-of-ways is, uh, is I am using full 12-foot driveways, I can try uh reducing the width of these to 10 feet and putting the driveway on the edge of the property line which would give us more room in that center strip. Uh, if the commission thought that was reasonable, we'd be glad to have that as a condition. Uh, but I, I appreciate the issue.
Commissioner Bryan Vasser	Did we ever find out if the city has to take possession of the road? Do we have to accept it as a public road to take over?
Chairman E. Conklin	Well, then you're creating, then it becomes a lawsuit. Yeah, then it becomes a lawsuit.
James Swift	As long as we meet the, the, uhm, subdivision of property--and I'm not a lawyer so forgive me if I'm overstepping my bounds--but uh, subdivision of property in the R-1 is a right that the property owner has as long as he can meet the regulations, the zoning

	regulations and the city engineer's regulations for how roads are designed, uh, it's sort of a right. And if there's no danger to public health or safety, uh, yes you still have to go through the process of getting the approval, but it's not something that really Planning and Zoning can deny because it's just ( <i>inaudible</i> ) the property. And that, you know, that's a public road.
Chairman E. Conklin	Yeah the pre, the first plan you showed us was a "as a right" plan.
James Swift	Yes, and again, it does meet all the zoning regulations. Again, for the record ( <i>inaudible</i> ) if you'd like to keep a copy of it, is what we did, you know, go through uh and check to make sure all the areas were proper, all the squares were there, all the frontage was there, uh, and that the roadway could go, you know, in accordance with the, with the regulations. So, uh, you know in that regard, Planning and Zoning, in my opinion, would not be able to turn that down. You know, it's a, it's a legal...
Chairman E. Conklin	Right.
Comm. J. Orazietti	( <i>Papers rustling</i> ) And so your proposal is three cuts in the street? These three right here?
James Swift	Yeah.
Comm. J. Orazietti	Okay.
James Swift	And the reason for this, you know, obviously the applicant has an interest in, you know, roads can be very expensive to build, uh, but--and of course the board can check this with other Zoning staff--uh, the city has been pushing us--us, meaning developers--in situations where there are, uh, other ways to accommodate this to not extend the city street system because it's something that the city has to take on and maintain. And, uh, they would rather go this route. And I think the commission has seen, you know--
Chairman E. Conklin	Right
James Swift	--these sorts of situations before. But I would offer this as evidence and put that in the file.
Chairman E. Conklin	Questions? All set? Phil? Linda?
Comm. J. Jones	Mr. Chairman, I don't--I'd like to comment. I certainly respect where they're coming from, but I don't think the city--Mohegan Road is a busy road--one curb-cut versus three is I would think uh...
James Swift	I would be amenable to keeping the hearing open if the commission would like to get some input from other town, city staff.
Chairman E. Conklin	Yeah, if you would be amenable to that, how about we go to the city engineer and Planning and Zoning and verify. If I knew that, I would have asked.

Vice-Chairman P. Cavallaro	I mean it makes sense.
Chairman E. Conklin	Okay. Well, I'll, we'll get their comments. How's that?
James Swift	That would be fine. And I, I think you have 65 days so...
Chairman E. Conklin	Right.
James Swift	So, I don't think I need to give you anything in writing.
Chairman E. Conklin	All right.
James Swift	Everyone's okay?
Chairman E. Conklin	Okay, can you put that in writing?
James Swift	But I can, sure.
Chairman E. Conklin	Yeah, okay. All right. <i>(Inaudible)</i> Okay, is there anybody in the audience who's in favor of this application?
Unknown voice	<i>(Inaudible)</i> I'm at 2 Hearthstone Drive.
Chairman E. Conklin	Is there anybody opposed to this application?
Unknown voice	I haven't seen anything...
Chairman E. Conklin	Can you come up to the table please?
Unknown voice	Sorry. I was working late. It happens
Chairman E. Conklin	Okay. Are you opposed?
Unknown voice	I'm 2 Hearthstone. I don't know what you're talking about so.
Chairman E. Conklin	At this point we're just asking a question--
Unknown voice	And I couldn't hear because the kid was--I just couldn't hear.
Chairman E. Conklin	Okay, if you want to ask a question you, it has to be to the board. Okay, this is the proposal that he's putting forward.
Unknown voice	Name, Maureen Carroll.

Chairman E. Conklin	Name? I'm sorry.
Maureen Carroll	Maureen Carroll. At 2 Hearthstone Drive.
Chairman E. Conklin	All right. This is what is in front of us right now.
Maureen Carroll	Mh-hmm.
Vice-Chairman P. Cavallaro	There's two options that they can go with.
Unknown voice	I'm in favor of this.
Vice-Chairman P. Cavallaro	That one, they need no approval whatsoever.
Maureen Carroll	Mh-hmm.
Vice-Chairman P. Cavallaro	From us.
Maureen Carroll	Yeah.
Vice-Chairman P. Cavallaro	This one, they're looking for a variance to have a common driveway, not common, separate driveways with a common entrance off Mohegan Road. This is where they need the variance to do this project.
Chairman E. Conklin	Correct. And what happens is the lot frontage meets our zoning regulations, but the road width, the driveway width itself is 10-feet short in each one of them, narrow in each one of them. That's the only variance that they're looking for.
Maureen Carroll	And is it coming closer to the properties because of the variance?
Vice-Chairman P. Cavallaro	Nope. The land is the land.
Maureen Carroll	Mh-hmm.
Vice-Chairman P. Cavallaro	Everything that's variances is in between their own properties.
Chairman E. Conklin	Yes.
Maureen Carroll	Okay.
Vice-Chairman P. Cavallaro	And that's these two driveways.
Maureen Carroll	Mh-hmm.

Vice-Chairman P. Cavallaro	So, it doesn't affect any of the neighbors--
Maureen Carroll	Mh-hmm.
Vice-Chairman P. Cavallaro	--either plan.
Unknown voice	So, is it, uh--
Chairman E. Conklin	Wait one second, wait one second, okay?
Vice-Chairman P. Cavallaro	One at a time.
Chairman E. Conklin	One at a time. Uh, name and address for the record please.
Alexandra Dibicella	Sorry, it's Alexandra Dibicella at 1 Lazy Brook Road.
Chairman E. Conklin	Yes.
Alexandra Dibicella	I'm just curious what it's opposing or for. Is it this one or that one?
Chairman E. Conklin	That's the one that's in front of us. This is an, it's called an as-of-right plan.
Alexandra Dibicella	Got it, but when you were saying opposing or for, we couldn't tell in the audience if it was this plan or that.
Vice-Chairman P. Cavallaro	This one.
Chairman E. Conklin	Okay.
Vice-Chairman P. Cavallaro	And again, for the benefit of the neighbors, none of it really affects the neighbors other than having three driveways coming off Mohegan Road versus one additional public street.
Chairman E. Conklin	Okay?
Vice-Chairman P. Cavallaro	Or private, they can go either way with that.
Chairman E. Conklin	Do you have any--

Unknown voice	I'm right here. But I'm just wond--
Chairman E. Conklin	Name and address, name and address first for--
Susanna Leifer	Susanna Leifer. 5 Lazy brook Road.
Susanna Leifer	I'm just wondering, I was told these are wetlands back here and that these trees were never--
Chairman E. Conklin	That is not in front of us, okay?
Susanna Leifer	I'm just wondering.
Chairman E. Conklin	That would be the Wetlands Commission.
Susanna Leifer	If they're planning on cutting these trees? Like how much of this is going--
Vice-Chairman P. Cavallaro	We wouldn't even know because it has no bearing on us.
Chairman E. Conklin	Yeah. They have to go, if they get this approval, they would have to go to Planning and Zoning and they would have to go to Inlands and Wetlands.
Susanna Leifer	But this means the houses are further this way, correct?
Vice-Chairman P. Cavallaro	Yes. That's where they are.
Susanna Leifer	Well I can't tell the way the houses would be on that.
Clerk Tina Kelly	Excuse me, what was your name again?
Susanna Leifer	Susanna Leifer.
Clerk T. Kelly	How do you spell the last name?
Susanna Leifer	L, e, i, f, e, r.
Clerk T. Kelly	Now, you're not on the abutting neighbors, is that okay?
Chairman E. Conklin	She should be.
Susanna Leifer	I'm right here.
Chairman E. Conklin	Right there.
Clerk T. Kelly	But it's not listed.



Chairman E. Conklin	Don't worry about that.
Clerk T. Kelly	Okay.
James Swift	Uh, with the chair's permission? Uh, for the purposes of the adjoiners, I think that the uh, the plans are very similar. The exception is if the rear lots are granted, the setbacks become 40-uh, 40 feet, in, in the rear area. Whereas if we had a road system, the side setbacks would become 30 feet. It may or may not affect you. As far as wetlands, there's a wetlands up here in Mohegan Road. But we did have soil scientists examine the site and these lines are contour lines and they all represent 2 feet of slope. And there are some adjacent wetlands over on this side and as you, as you go, here's Lazy Brook and here's your, your property on the corner and there's wetlands in this corner here. But there are no wetlands in the back of this site.
Vice-Chairman P. Cavallaro	The backs of lots 2 and 3 is, is all dry.
James Swift	Correct.
Chairman E. Conklin	Okay. Any other further, further comments?
Maureen Carroll	So, there's going to be four driveways?
Vice-Chairman P. Cavallaro	Three.
Maureen Carroll	Three.
Vice-Chairman P. Cavallaro	They're going to have a common driveway approach to two separate driveways here.
Comm. B. Vasser (?)	Three cuts off, three cuts off, four driveways.
Vice-Chairman P. Cavallaro	The original plan had four cuts and now they reduced it to three.
Maureen Carroll	Okay. And I'm just concerned with all the water that's there if they build if they're going to be running--and that's not your--
Chairman E. Conklin	Yeah, that's not our purview.
Maureen Carroll	So, when will I have to be showing up here for that?
Chairman E. Conklin	Not here, Inlands/Wetlands.
Maureen Carroll	Where is that?
Chairman E.	It would be upstairs.

Conklin	
Maureen Carroll	Okay.
Chairman E. Conklin	And I don't know when that hearing would, for that would be.
Maureen Carroll	Will we get a notice of that, or...?
James Swift	Uhm, I would be glad to have a--
Chairman E. Conklin	Yeah, have a meeting afterwards--he can discuss that with you afterwards.
Maureen Carroll	All right.
Chairman E. Conklin	Okay?
Maureen Carroll	Yes, because I'm concerned about the water on my lot.
Chairman E. Conklin	Okay. Thank you. Okay. Any further discussion from the board? Being none, will continue, we have an extension for another--what do we have 35 days? Uh... Okay. You heard this is for 35 days, or?
James Swift	Uh, yup.
Chairman E. Conklin	Okay.
James Swift	Yeah, I think you have it automatically.
Comm. J. Jones (?)	And do you want to keep one copy of that?
Chairman E. Conklin	Uh, yeah, let's just give keep one copy just to make sure there's a copy of it ( <i>inaudible</i> ). Okay? Okay. Thank you.
Vice-Chairman P. Cavallaro	( <i>Inaudible</i> )
Chairman E. Conklin	Go ahead, Jamie.
	<b>#0417-01 4 Fawn Hill Road, Carlos Fernandes of 4 Fawn Hill Road, Shelton.</b>
Comm. J. Jones	#0417-01, 4 Fawn Hill Road, Carlos Fernandes of 4 Fawn Hill Road, Shelton, for a variance to Section 24, Schedule B, Standards Line 9 to reduce the minimum setback from the left side property line from 30 ft. to 12 ft. in order to construct a 12 ft. x 30 ft. above ground pool an R-1 zone.
Carlos Fernandes	Thank you. Carlos Fernandes, 4 Fawn Hill Road. First time doing this so it might be a little much, but... ( <i>Inaudible</i> ) Just a bunch of pictures here. I didn't know how this was

	going to be so...
Chairman E. Conklin	
Carlos Fernandes	Like I said, I probably did overkill, but...
Chairman E. Conklin	Do you have the... this?
Carlos Fernandes	These are from the post office; these are receipts.
Chairman E. Conklin	I need, I need the receipts that they were actually sent on the date.
Carlos Fernandes	Okay.
Chairman E. Conklin	Okay, April 15th. All right. These are a little... they should have been sent out by the 10th. They're supposed to be sent out by 10 days beforehand.
Carlos Fernandes	We went to South Carolina. When I came back, I did call Tom and I, I explained that to him and he said just post the sign and go to the hearing--
Chairman E. Conklin	Okay, let me see what I have. Okay, tell us what you're trying to do and why you can't meet the zoning regulations.
Carlos Fernandes	We are trying, my property is 1.2 acres but on the front page it, the pool is going to be on that side of the house. It's the flattest side on my property. On this side here is a leaching field and it slopes down, and then it drops off, like literally, like unusable land. You know, and the back, the septic tank is on the back corner of the house. If, I mean I have pictures, and uh, there's no backyard basically; it's small. This copy here--that's where the pool is--
Chairman E. Conklin	Let me take a look-see.
Carlos Fernandes	This copy here—that's where the pool is—
Chairman E. Conklin	Right
Carlos Fernandes	Right there.
Chairman E. Conklin	Yup.
Carlos Fernandes	And that, that view right there, I did what, it's numbered one through five, that's basically so you guys know where the houses are. Number five is the pool location and then the other houses are numbered and the names are right below. Just so you guys have an idea of where the houses sit as opposed to where the pool would be.
Chairman E.	All right.

Conklin	
Carlos Fernandes	And then this picture... that's a shot of the front, it just slopes down.
Chairman E. Conklin	This is approximately the area that you're going to put the pool?
Carlos Fernandes	That's right in front of the house. The pool would actually be on the side (multiple voices, inaudible)--Yes.
Chairman E. Conklin	Yes--
Carlos Fernandes	And this shot here, that's the leaching field. If you look in the back where the shed is--- it just shows you how it slopes off. The shed is level as, you know, we're plumb, and it shows you how bad that side goes down. That, and then next shot I have the septic tank, that's the cover for it.
Chairman E. Conklin	You're saying the property pretty much continues this sloping process going down this--
Carlos Fernandes	Yeah, if you're looking at my house, that would be the left side--
Chairman E. Conklin	Yeah, okay.
Carlos Fernandes	--and then it slopes down and then it drops off and it's all woods, unusable.
Chairman E. Conklin	Okay.
Vice-Chairman P. Cavallaro	You know, but I have one question.
Carlos Fernandes	Yes?
Vice-Chairman P. Cavallaro	The backside of your property is apparently Trumbull.
Carlos Fernandes	Yes, it is.
Vice-Chairman P. Cavallaro	This isn't by any chance Trumbull, is it?
Carlos Fernandes	No. That one is Don Benson's property, my, my neighbor. I don't know what house. I know the--
Vice-Chairman P. Cavallaro	But it is Shelton?
Carlos Fernandes	It is Shelton. Just the backyard is the only Trumbull that touches my property.
Vice-Chairman P.	And that back, that Trumbull line continues past Mr. Benson's--

Cavallaro	
Carlos Fernandes	It keeps going straight, yes. I, I believe it does. It keeps going straight. This line here is definitely Shelton, Don and Debbie Benson.
Vice-Chairman P. Cavallaro	So, the only variance is on that side property, right Ed?
Chairman E. Conklin	Yes.
Vice-Chairman P. Cavallaro	Otherwise, otherwise Trumbull is a whole other ballgame--
Chairman E. Conklin	Right. Could I see those maps I sent down to you? Not that, the one's I sent down.
Commissioner Linda Adanti	These?
Chairman E. Conklin	That pair there, yeah. Planning and Zoning sent them over to have him do some of these maps. I redid them to show a little more property on that, where it continues on to Trumbull, you can see more, it continues on, you can see the impact on the houses next door.
Vice-Chairman P. Cavallaro	What is this uh, body of water or blue tarp covering something?
Carlos Fernandes	I honestly don't know what that is. That would be the house down below me.
Vice-Chairman P. Cavallaro	Okay.
Carlos Fernandes	I don't know, maybe it's wood--
Vice-Chairman P. Cavallaro	It's not yours.
Carlos Fernandes	No, it's not mine. It's probably wood he's got covered.
Chairman E. Conklin	And I'm not sure; this assessor's map shows some sort of, looks like right-of-way through your property too?
Carlos Fernandes	I think that's like for water run-off.
Chairman E. Conklin	Okay.
Carlos Fernandes	'Cause when they did the curbs, there's a little cutout there for the water to run down.
Chairman E. Conklin	Okay. So, there's also a right-of-way, look that's the city assessor's map, it came up and I saw that. Okay send this back down that way. All right, questions?

Comm. B. Vasser	On the opposite side of the house, here, you can't install it here because...?
Carlos Fernandes	It's, it's not level and then it drops off dramatically, and that's also the leaching field side. The septic tank is right here.
Comm. B. Vasser	Uh-huh.
Carlos Fernandes	And that's all leaching right there.
Comm. B. Vasser	Oh, I see.
Chairman E. Conklin	Okay. Any other questions?
Comm. J. Orazietti	We have the proper notification and the mail for all of these?
Chairman E. Conklin	Yes.
Comm. J. Orazietti	Do you have any letters of support?
Carlos Fernandes	I do have, there is a letter in your, the closest house, it's also in your picture. I'll show you mine. Donald and Deb Benson, they're the closest house, number 1, and that's their letter. We, we talk to them frequently.
Chairman E. Conklin	Could you do me a favor and read that for the record please?
Comm. J. Jones	"To whom it may concern, Hello! We are Donald and Debbie Benson of 8 Fawn Hill Road, Shelton CT. Our property meets directly with our neighbor, Carlos and Michele Fernandes of 4 Fawn Hill Road, Shelton CT. We support them with getting a swimming pool on their property. If you have any questions, please feel free to contact us. Kindly and signed Donald and Debbie Benson. "
Chairman E. Conklin	Thank you. Okay. Any other questions? All right, let's declare the hearing closed. I'm sorry! Anybody in favor of this application? Is there anybody in favor of this application? Please come up to the table please. Name and address for the record please.
Samantha Cook	Samantha Cook, 360 Nichols Avenue.
Chairman E. Conklin	Okay.
Samantha Cook	I understand; I'm in a very similar situation. So, I am in favor for him.
Carlos Fernandes	Thank you.
Chairman E. Conklin	Okay.
Samantha Cook	Please stay through for me . Sorry!

Chairman E. Conklin	Thank you.
Carlos Fernandes	Thank you.
Chairman E. Conklin	Anybody opposed to this application? Anybody opposed? No further questions from the board? I declare this hearing closed. Thank you.
Carlos Fernandes	You guys can keep those if you want or
Chairman E. Conklin	Okay. I'll just keep this one because it's got the signature on there for you.
Clerk T. Kelly	Okay, I got all this.
	<b>#0417-02 360 Nichols Avenue, Samantha and Christopher Cook of 360 Nichols Avenue, Shelton.</b>
Comm. J. Jones	#0417-02, 360 Nichols Avenue, Samantha and Christopher Cook of 360 Nichols Avenue, Shelton, for a variance to Section 24.12.5, Schedule B, Line 9 to reduce the minimum setback from the left side property line from 30 ft. to 15 ft. in order to install a 22 ft. round, above ground pool in an R-1 zone.
Samantha Cook	I just brought a couple, I don't know... Samantha Cook, 360 Nichols Avenue. And my results (?) were in a similar situation. I was on vacation when the thing came so I called and he said just put it up right away.
Chairman E. Conklin	Okay. All right. All right, tell us what you're trying to do.
Samantha Cook	We're trying to move uhm, to have the variance from 30 feet to 15 feet on the uh, left-hand side of our property.
Chairman E. Conklin	Okay. Tell us what your hardship is.
Samantha Cook	Uh, where our well is, the well placement, the septic place, placement, our frontage is only 135, not 150--which I guess is standard and the wetlands are on the other side of our property so they're not able to put it there. It's really the only location in our backyard that uhm, would allow for a pool. And I do have photos also.
Vice-Chairman P. Cavallaro	Ed, I have one question. How many mailings, one or two here?
Chairman E. Conklin	There's two.
Vice-Chairman P. Cavallaro	There is, the City of Shelton is one of them?
Samantha Cook	Yes.
Vice-Chairman P.	Okay.

Cavallaro	
Chairman E. Conklin	Question for you. In the aerial view that we have of this, there looks like there is a round object existing now in your backyard.
Samantha Cook	Can I see that one? So, that is just trying to look at the location. That is the rock garden I believe that they had. Oh no, I'm sorry that's our uhm, our fire pit, our temporary fire pit.
Chairman E. Conklin	Okay, I need those pictures--
Samantha Cook	Yup, absolutely. Sorry.
Chairman E. Conklin	All right.
Samantha Cook	That's our fire pit. That's just the front. It's very small just a little fire pit. Sorry, I didn't know they'd be all over? these pictures.
Chairman E. Conklin	And the fire pit looks like it's sitting right on top of your septic tank or approximately to that area.
Samantha Cook	It is to the, so our septic--you could actually see it a little bit on this--our septic is right here--
Chairman E. Conklin	Okay.
Samantha Cook	--and the fire pit is back there.
Chairman E. Conklin	All right, so it's right... That part's in some pictures here. And these circles are representing the--
Samantha Cook	Where the pool will go.
Chairman E. Conklin	--where the pool will go, okay. So, your yard is fenced in as it is.
Samantha Cook	It is.
Chairman E. Conklin	Okay.
Samantha Cook	And the fence is, uhm, three feet off of the property line.
Chairman E. Conklin	Questions?
Comm. B. Vasser	What is in between the proposed pool location and the corner of the house, here? Tell me why it can't move over or be closer to the house.
Samantha Cook	The, uhm, well ( <i>inaudible</i> ) see, our well is right... here actually



Comm. B. Vasser	<i>(Uh huh)</i>
<i>(Children making noise in background; inaudible)</i>	
Samantha Cook	It's actually on, so our house is here, our garage is here, uh, the pool is here and that's the well. And there's a patio over here.
Comm. B. Vasser	I thought that was the septic tank.
Samantha Cook	I'm sorry, septic tank. Sorry, part of the well is here. I meant septic, not well. I apologize.
Comm. B. Vasser	It's all right. So...
Chairman E. Conklin	And they have a curtain <i>(unclear; children making noise in background)</i> drain that comes out from that corner of the house.
Samantha Cook	Yes.
Comm. B. Vasser	So, you want to put the pool here?
Samantha Cook	Yes.
Comm. B. Vasser	So, it would be behind the house?
Samantha Cook	It would be behind the house, yes.
Comm. B. Vasser	Okay, because here it looks like it's not behind the house.
Samantha Cook	Oh, I'm sorry.
Comm. B. Vasser	That's okay.
Samantha Cook	These are from what we did this last year, we attempted to do this last year... <i>(inaudible, children making noise in background)</i> and were not able to
Comm. B. Vasser	I'm just concerned about what's seen from the street.
Samantha Cook	No, and there is a fence there also.
Comm. B. Vasser	Along the front?
Samantha Cook	Right there, yes.
Comm. B. Vasser	Along the front of the property?
Samantha Cook	Yes, and one of the pictures actually shows it.
Comm. B. Vasser	The one of the front of the property.

Samantha Cook	Yes, there is one. I don't know where that picture went though.
Comm. B. Vasser	So, here, there's nothing in the front.
Chairman E. Conklin	No.
Samantha Cook	Right here, sir. This is of my front yard and the pool would be behind...
Comm. B. Vasser	Oh, I gotcha. Okay.
Samantha Cook	And the fence would be down this side.
Comm. B. Vasser	I gotcha. But the pool is going to behind the house regardless. Okay, so if the fence ever comes down, it's not something that would be visible from the front?
Samantha Cook	No, the deck our, our existing deck would be ... <i>(inaudible, children making noise in background)</i>
Comm. B. Vasser	Oh yeah, I see. But if the fence goes away, you still won't see it. That's why I'm asking.
Chairman E. Conklin	You wanna, can you pass those pictures, pass them to the other side? Yeah, this aerial view shows them, shows the trees that you're looking for. Is that what your question was, the trees that they have in the <i>(inaudible; children making noise in background)</i> neighbor's property would block...?
Comm. B. Vasser	No, I wanted to know if you would see the pool--
Chairman E. Conklin	Oh, okay.
Comm. B. Vasser	--from the road as people drive by. There's a fence there now, but if the fence goes away, I'm told the pool is going to be behind the house regardless.
Samantha Cook	I mean probably from the way corner if you were passing through the neighbors, but you'd have to look hard for it--definitely not from, looking from straight on from my yard.
Chairman E. Conklin	Okay. Any questions? Anyone in the audience in favor of this application?
Carlos Fernandes	Carlos Fernandes 4 Fawn Hill. I support that.
Chairman E. Conklin	Anybody opposed to this application? Jamie could you read that?
Comm. J. Jones	"Attention ZBA, Tom Dingle, P&Z Department. Subject: 360 Nichols Ave. To whom it may concern: I am the adjacent neighbor to the subject property regarding the application for a variance. We do not agree that a variance should be granted. The applicant should comply with the P& Z Regulations unless they are able to prove a legitimate hardship. Please make this letter a part of the record at the hearing, which is being held this evening, Tuesday the 4th of April 2017 by the Zoning Board of Appeals. Sincerely Denise Bronson and for on the behalf of Thomas Bronson."

Comm. B. Vasser	They're the adjacent property owners?
Samantha Cook	They are; they're our neighbors.
Chairman E. Conklin	How far away from the, most obstructive setback are you from--in other words, you have, you have a uhm, curtain drain that's running here--
Samantha Cook	Correct.
Chairman E. Conklin	--how far away from that curtain drain is this pool going?
Samantha Cook	Uhm... you know, I have to ask my husband to give you--I can get him--I have to ask him for an exact, I don't know that off the top of my head.
Chairman E. Conklin	Okay.
Samantha Cook	The curtain drain does run down between our properties.
Chairman E. Conklin	Well, according to this it runs from the edge of your house going down.
Samantha Cook	Correct. And the edge of our house, so I, so I guess it would right, very similar to it, kind of right next to it. Probably--
Chairman E. Conklin	Well, according to this drawing you're outside the house, outside the side of the house. You have it listed as 15 feet. Can it be extended, can we push that pool into 20 feet?
Samantha Cook	No, because of the well.
Chairman E. Conklin	Because of the well?
Samantha Cook	Not the well--I keep saying that--the septic. I apologize.
Chairman E. Conklin	Okay. Well that--
Samantha Cook	Because of the septic and we couldn't push it back and over. There's a tree there. So, we tried, we thought about pushing it back and over because we did know our neighbors would say something.
Chairman E. Conklin	Yeah.
Samantha Cook	And we can't do that because of the leaching fields.
Chairman E. Conklin	Okay.
Samantha Cook	And when we did have, last year, when we did attempt to do this, we went to the Valley Board of Health and they dug the hole and they had said this is literally the only spot on

	the property that wouldn't be a problem because of the leaching fields.
Chairman E. Conklin	And that's where this, that's where--this is, this is from the leaching field testers?
Samantha Cook	Yes.
Chairman E. Conklin	Okay. And curtain drain. Okay.
Samantha Cook	Yes.
Comm. B. Vasser	And you said, what's the setback of the house then from the property line? The pool's behind the house. Then wouldn't the house only be 15 feet away from the property line as well?
Samantha Cook	The house is probably right around there. Honestly, I don't know the answer to that question. I don't know if it says it in the paperwork.
Comm. B. Vasser	It just looks so.
Samantha Cook	Let's look at what mine said.
Comm. B. Vasser	This plan is a little deceiving.
Chairman E. Conklin	That's a G. I. S. map.
Vice-Chairman P. Cavallaro	No.
Chairman E. Conklin	Yeah. <i>(Inaudible; children making noise in background)</i> Yes, it is.
Vice-Chairman P. Cavallaro	Oh yeah. I don't know if that's 15 <i>(inaudible; children making noise in background)</i> .
Comm. B. Vasser	That's more than 15 feet with the pool...What is this here?
Samantha Cook	I mean, if you look at our--
Comm. B. Vasser	What is this structure right here?
Samantha Cook	That's our deck. So, I was going to say, that's directly behind our house and the pool would go directly--if you look at the picture I drew--behind the deck.
Comm. B. Vasser	So, right behind the deck?
Samantha Cook	Yes. I mean it would vary a little bit, but--
Comm. B. Vasser	But now where's the--
Vice-Chairman P.	But you don't know this measure from here?

Cavallaro	
Comm. B. Vasser	So, here's where you want to put the pool, here?
Samantha Cook	Yes.
Comm. B. Vasser	So, we're gonna be, you're going to avoid this pipe here?
Samantha Cook	Correct, which just goes under the deck--that I'm pretty positive of.
Comm. B. Vasser	So, that's here.
Samantha Cook	Yeah, it's directly there.
Comm. B. Vasser	So, that means your house is only 15 feet off of that line?
Samantha Cook	Well, that line, it does go on an angle as you can see. We bought the house a few years ago so I don't know the answer to that question.
Vice-Chairman P. Cavallaro	Now, this corner right here is in question. We need this number, approximately.
Comm. B. Vasser	If this is only 135 feet--
Chairman E. Conklin	If you need to get--
Samantha Cook	Can I just ask him real quick?
Chairman E. Conklin	Well, he has to come in and tell us.
Samantha Cook	Yeah, I will tell him.
<i>(Voices whispering, inaudible)</i>	
Vice-Chairman P. Cavallaro	<i>(Whispering; inaudible)</i> I don't think this is--I think it's a bad scale right here, that's all.
Chairman E. Conklin	I think, I think the drawing of theirs is a bad place where they have the pool. Okay. Name and address for the record please.
Chris Cook	Chris Cook, 316 Nichols Ave. Shelton.
Chairman E. Conklin	Okay.
Vice-Chairman P. Cavallaro	What we're looking for is if you got an idea of the distance of the rear of your house to the property line.
Comm. B. Vasser	Or better yet the deck, maybe. The deck is, it is at an angle so this distance here would

	be...
Christopher Cook	It's definitely more than 15 feet.
Comm. B. Vasser	Okay, so then if the pool is going to be directly behind the deck, how do you end up with 15 feet...?
Christopher Cook	Well, 15 feet was our number for, because we were measuring around. So, we were think--we were figuring uhm, you know, 11 feet this way from where, from where like, all right we want the pool here.
Comm. B. Vasser	How wide is the deck? Here?
Samantha Cook	There's no way to--
Christopher Cook	10 feet?
Samantha Cook	The pool isn't going to go past the deck. So, there's no way that it's more than 15 feet, then.
Comm. B. Vasser	How wide would you say the deck is?
Christopher Cook	What do you think, 10 feet? 10, 12 feet?
Comm. B. Vasser	Is it the width of this table?
Christopher Cook	It's longer than that.
Samantha Cook	It's only a little bit longer than that, probably about 2 feet longer.
Comm. B. Vasser	So, that would be about 10 feet.
Samantha Cook	Yeah.
Chairman E. Conklin	10, 12 feet. Yeah, it's probably 12.
Vice-Chairman P. Cavallaro	And that comes off the back of the house like this?
Christopher Cook	Yes.
Samantha Cook	Straight back.
Vice-Chairman P. Cavallaro	From the end of the house?
Christopher Cook	Yes.
Vice-Chairman P. Cavallaro	So, it comes out like this, and like this? And the pool is gonna be behind that?
Samantha Cook	Correct.

Christopher Cook	Yes.
Comm. B. Vasser	So, how is it--
Vice-Chairman P. Cavallaro	So, it's 15 feet from the property line?
Comm. B. Vasser	Well here, if that's 10 feet, and this is going to be around 22 feet? And that's your property line? ( <i>Inaudible; children making noise in background</i> ) So, I'm just trying to get an idea of scale.
Vice-Chairman P. Cavallaro	Yeah.
Chairman E. Conklin	Okay. So, 15 feet does look ...okay.
Vice-Chairman P. Cavallaro	It's only, it's a round pool, so
Comm. B. Vasser	Well because, because I don't know take, if you look, if the deck is 10 feet and you figure that's you know, in proportion that's probably a 20, 22-foot diameter circle.
Chairman E. Conklin	Yeah.
Comm. B. Vasser	And you could see where the corner is.
Chairman E. Conklin	Okay.
Comm. B. Vasser	They're probably, you know, it's a really rough scale.
Chairman E. Conklin	Right so it's probably, approximately, okay.
Christopher Cook	The reason we were asking for this rather than to just go the other way is because that's exactly where the septic tank was. And if we measured it properly, we could meet that, but we need to take the extra time, the extra space off of the--
Chairman E. Conklin	And you don't want it to be sitting, you, I think you've got to be within 10 feet off the edge of that anyway.
Christopher Cook	Right.
Chairman E. Conklin	You know, so.
Christopher Cook	Yeah.
Chairman E. Conklin	You can't be sitting right on the edge of the septic tank.

Christopher Cook	Well, that's what I mean, we, we didn't--in order to be that far away, because of the distance there we needed to eat that up.
Chairman E. Conklin	Right. Okay. Are there any other questions? Okay. Any objections that, all utility or all pump and everything is going to have to be on your side of the, not on any neighbor's side.
Christopher Cook	Right.
Chairman E. Conklin	Okay. All right. Any other questions? All right. Anybody else who's verifiably in favor? Got that. Anybody opposed? Okay. Any other questions? Declare the hearing closed. All right, thank you very much.
Samantha Cook	Thank you very much, appreciate it.
Chairman E. Conklin	Thank you.
Samantha Cook	Do you want these ones as well or just those?
Chairman E. Conklin	Yeah, I got to have the whole ( <i>inaudible, children making noise</i> ).
Samantha Cook	That is mine, yes. Thank you very much. Thank you very much.
<i>(Children's voices; inaudible)</i>	
Chairman E. Conklin	Okay. ( <i>Inaudible; children making noise</i> ) Go ahead.
	<b>#0417-03 53 Wheeler Street <u>Lot #1</u>, Joseph Geoghan of 72 Wheeler Street, Shelton.</b>
Comm. J. Jones	#0417-03, 53 Wheeler Street, <u>Lot #1</u> , Joseph Geoghan of 72 Wheeler Street, Shelton for: two variances to Section 24, Schedule B, Lines 3 and 4 to: 1) reduce the minimum dimension of square on lot from 60 ft. to 52 ft.; 2) reduce the minimum lot frontage from 60 ft. to 52.9 ft. in order to create a lot split in an R-4 zone. And I should do that, I presume.
Chairman E. Conklin	Yes.
	<b>#0417-04 53 Wheeler Street <u>Lot #2</u>, Joseph Geoghan of 72 Wheeler Street, Shelton.</b>
Comm. J. Jones	#0417-04, 53 Wheeler Street, <u>Lot #2</u> , Joseph Geoghan of 72 Wheeler Street, Shelton for two variances to Section 24, Schedule B, Lines 3 and 4 to: 1) reduce the minimum dimension of square on lot from 60 ft. to 52 ft.; 2) reduce the minimum lot frontage from 60 ft. to 52.9 ft. in order to create a lot split in an R-4 zone.
Chairman E.	Is the applicant here?



Conklin	
Comm. J. Oraziatti	I just need to excuse myself as an adjoining property owner.
Chairman E. Conklin	Yes. Okay. Have a seat, please. Name and address for the record please.
Unknown voice	Joe, tell them your name and address.
Joseph Geoghan	Joseph Geoghan. 72 Wheeler Street Shelton, CT.
Chairman E. Conklin	All right. I got the pictures; do you have the receipts of the abutting neighbors? Two, three--is it three abutting neighbors or four abutting neighbors?
Joseph Geoghan	Three.
<i>(Multiple, quiet voices; inaudible)</i>	
Chairman E. Conklin	OK. You're one of the abutting neighbors.
Unknown voice	What was that?
Chairman E. Conklin	I said, you're one of the abutting neighbors!! All right. Tell us what you're trying to do and why you can't meet the zoning regulations please. Uh, name and address for the record please.
Michael O'Bymachow	My name is Michael O'Bymachow. I'm with the firm Nowakowski, O'Bymachow, and Kane Land Surveyors and Engineers in Shelton.
Clerk T. Kelly	Could you spell your last name, please?
Chairman E. Conklin	No!
Michael O'Bymachow	Sure. It's O, apostrophe, B, Y, M, A, C, H, O, W. And we're 415 Howe Avenue in Shelton. And what I'm here for tonight is for some proposal to split the existing parcel into 2 separate parcels. Uhm, you know we do meet, everything we meet except the building square and lot frontage. For lot 1, we're asking for a variance of 52.9 feet versus 60 feet for the frontage and lot 2, of 52.89, uhm, for the lot frontage. And of course, in this particular zone, this building square is 60 feet and I can only get a 52-foot building square on here. Uhm, we do have, you know, the required area is 7500 square feet. Lot 1 you have over 9000 square feet. Both, you know, both parcels are, you know--one's 9,033 and one is 9,441. So, you know, we have the area. The only thing that we're asking for is the square and the lot frontages.
Chairman E. Conklin	Lots are deep versus...
Michael	In the--correct. Pretty much that whole neighborhood is in that, you know, in that kinda

O'Bymachow	half-deep. As you're getting up going towards uh, towards the police station ( <i>inaudible; papers rustling</i> ), there a little narrower, depth-wise
Chairman E. Conklin	Okay, I'll look at some pictures of the areas first.
Michael O'Bymachow	And I don't know if you're familiar, but this was, they made set, uh set pilings ( <i>inaudible</i> ),
Vice-Chairman P. Cavallaro	Oh, right. Okay.
Michael O'Bymachow	For generations. It's been in there quite a few years.
Vice-Chairman P. Cavallaro	That's quite a big hill.
Michael O'Bymachow	It's right on top of the hill.
Joseph Geoghan	I think everybody's been there before.
Chairman E. Conklin	So, I'll just have to find elsewhere to buy all of my cement products?
Vice-Chairman P. Cavallaro	Probably some mortar ( <i>inaudible</i> ) left!
Michael O'Bymachow	I was telling Joe if my, my dad was still alive, we still have the lines that he made and that's, that's way over 50 years.
Joseph Geoghan	It's been there, what, 71 years.
Michael O'Bymachow	We still have the lines.
Joseph Geoghan	Here's a letter from a neighbor accepting what we're doing.
Chairman E. Conklin	One second.
Unknown voice	I have a map.
Chairman E. Conklin	Why don't you give your name and address for the--
Robert Santore	Robert Santore.
Clerk T. Kelly	Can you spell the last name?
Robert Santore	S, A, N, T, O, R, E. T, O, R, E. 53 Williams Street. ( <i>Voices talking over each other</i> )

Clerk T. Kelly	Okay, wonderful.
Chairman E. Conklin	Is there any pollution or anything on the property from <i>(inaudible)</i>
Robert Santore	That was all cement and everything.
Chairman E. Conklin	What are the other houses in the neighborhood like? I mean lot size.
Michael O'Bymachow	Looking at the overall assessor's is from 60 to 70 feet to 100 feet, you know. I think way back, you know, back when everything was split up, it was all probably individual lots and then they bought different parts.
Chairman E. Conklin	Okay. Now, you're going to put single-family houses on this?
Michael O'Bymachow	Correct.
Chairman E. Conklin	Okay.
<i>(Loud voices talking over each other)</i>	
Chairman E. Conklin	Any problem stipulating single-family dwellings on--
Michael O'Bymachow	I'm sure that's what Joe wants, yeah.
Chairman E. Conklin	And you're probably stipulating single-family--houses
Joseph Geoghan	Nope.
Chairman E. Conklin	Okay. And this is going to be served by city water, city sewer?
Michael O'Bymachow	Everything's there.
Joseph Geoghan	Yes.
Michael O'Bymachow	All utilities are in the street.
Chairman E. Conklin	Okay. Linda?
Comm. L. Adanti	I'm okay.

Chairman E. Conklin	All right. Bryan?
Comm. B. Vasser	It would have been nice to see a little bit more of the area, but uh you guys know it better than I do.
Chairman E. Conklin	Well, there's an aerial map. ( <i>Inaudible</i> )
Comm. B. Vasser	So, we're talking about splitting this.
Chairman E. Conklin	That property is right down the street from the police station. That's the road the police station is off—senior center.
Michael O'Bymachow (?)	The police station is up here on...
Chairman E. Conklin	All right. We received this, letter. Read it, if you can.
Comm. J. Jones	A handwritten note. "I am okay with what Joe is doing with his property regards to, to this letter regarding uh, something,
Joseph Geoghan	I couldn't read it myself.
Comm. J. Jones	It's dated, signed. John...
Chairman E. Conklin	Petrillo...?
Comm. J. Jones	Petrillo. Signed 4/11/17.
Chairman E. Conklin	He's at 51 Wheeler Street?
Joseph Geoghan	Yeah.
Chairman E. Conklin	Is that, uh, Petrillo?
Joseph Geoghan	Petrillo, yeah.
Chairman E. Conklin	Petrillo is his name. Okay. And he is abutting you on the...
Michael O'Bymachow (?)	Lower side.
Chairman E. Conklin	Lower side. Yeah, there's no aerial map ( <i>inaudible</i> ) It would be the east side of the property.
Comm. B. Vasser	Yeah, right.

Chairman E. Conklin	Okay. Any other questions? Any questions?
Michael O'Bymachow	You know, you've got some similar lots in harmony a little bit smaller than these uh, some bigger--
Chairman E. Conklin	Okay.
Michael O'Bymachow	--it's a mixed bag.
Chairman E. Conklin	All right. Anybody in favor of this application? Please come up to the table and give your name and address for the record, please.
Jim Orazietti, Citizen	Yeah, my name is Jim Orazietti. I'm the trustee for 20 to 26 Williams Street. We are the rear property line, uh, adjoining property holders. I've known Joey and Bobby my entire life. I grew up here. I know the property very well. I believe with Joe's, uh, and I've talked to the adjacent, uh, landowners myself; and not only his adjoining landowners but others in the area who I've have spoken to. Uh, they have no objection because this is a former Shelton cement product company and even though it's been an outstanding community small business for, since my grandfather, I mean it goes, goes back, what 80 years, Joe?
Joseph Geoghan	Yeah.
Jim Orazietti, Citizen	The neighborhood, the neighbors are looking forward to a change uh from a less commercial application. I believe that Joe's gonna do is conform to the uh, the property. There's multiple family homes in the area. There's uh some very small lots, there's some--you know this is uh, north-end Shelton. You know, a lot of the homes were predated, including our property, predated 60s' zoning regulation.
Chairman E. Conklin	So, this brings that neighborhood in harmony with the rest of the neighborhood.
Jim Orazietti, Citizen	I, probably, I believe, I believe it will and I think it will add, actually all of the neighbors that I've spoken to, and like I said, not only the adjoining neighbors, but the other neighbors were uh looking forward to uh--how should we say--a sprucing up.
Chairman E. Conklin	
Jim Orazietti, Citizen	From a, from a cement business to a, you know--
Joseph Geoghan	More residential.
Jim Orazietti, Citizen	--family, residential. So, uh, thank you.
Chairman E. Conklin	Thank you. Okay, uh, are you in favor of this application?

Unknown voice	<i>(Inaudible)</i>
Chairman E. Conklin	Could you come up to the table please?
Joseph Geoghan	She's on the other side of us.
Magguri Buenano	I'm on Wheeler Street right next to him. My name is Magguri, M, A, double G, U, R, I. And the last name is Buenano, B as in boy, U, E, N, A, N, O.
Chairman E. Conklin	Okay. Do you have a question or concern?
Magguri Buenano	My question is uh, how are you planning to divide this property when my property--I think it's almost the same size as his--and then my property only fits one house. How's he gonna put two houses on one lot. I'm just questioning.
Chairman E. Conklin	The property themselves--yeah. It all depends on the size of the house also. There's quite a few lots this size in Shelton that fit houses.
Vice-Chairman P. Cavallaro	This one here, see it? And these three lots are actually a little bit less; these two are less wide than these are going to be.
Magguri Buenano	Okay.
Vice-Chairman P. Cavallaro	So, it's how you position the house. It's gonna be, it'd have to run long ways.
Magguri Buenano	Okay.
Vice-Chairman P. Cavallaro	It can't run like your house this way.
Magguri Buenano	Mh-hmm.
Vice-Chairman P. Cavallaro	If you take your house and turn it this way--
Michael O'Bymachow	It's not going to be as wide.
Vice-Chairman P. Cavallaro	So, like your, you know, you can't take your house and put it here unless you put it this way. It's not uncommon.
Michael O'Bymachow	Basically, if you took off this part of the building, this house would fit on this house.
Magguri Buenano	Sideways?
Chairman E. Conklin	Well, <i>(inaudible; voices talking over each other)</i> if you, if you took off the garage--
Michael	If you took off the garage, this--

O'Bymachow	
Magguri Buenano	That's not a garage ( <i>inaudible</i> )
Michael O'Bymachow	Well, if you took that off, this would fit in there.
Magguri Buenano	This would fit right in here?
Michael O'Bymachow	Correct.
Vice-Chairman P. Cavallaro	Without the addition.
Michael O'Bymachow	Without the addition.
Vice-Chairman P. Cavallaro	Without that piece--
Magguri Buenano	Okay.
Vice-Chairman P. Cavallaro	--if you take that off, this would meet the requirements. Okay.
Chairman E. Conklin	Because it has to fit inside this square here. Okay, so there is, in the zoning regulations of this area requires you to have a minimum of 8 feet on each side of your property line. The closest the dwelling could be is 8 feet to the property line. And so they have somewhere about, what, 40 feet--
Vice-Chairman P. Cavallaro	Right.
Chairman E. Conklin	--to get a house in there. They have a little less than 38 feet. Okay.
Michael O'Bymachow	We could get like a good size Cape.
Magguri Buenano	Oh, okay. But it's going to be single houses?
Chairman E. Conklin	Single-family house, yes. That'll be a stipulation.
Vice-Chairman P. Cavallaro	That'll be stipulated, yeah.
Magguri Buenano	Okay... I'm in favor.
Chairman E. Conklin	Okay.

Vice-Chairman P. Cavallaro	It'll add value to your property too.
Magguri Buenano	We already have value, right, Joe?
Chairman E. Conklin	Okay, anybody opposed to this application? Any further discussion from the board? Okay, being none, I declare the hearing closed. Thank you very much.
Joseph Geoghan	Okay.
Robert Santore	All right, 'ppreciate it.
Vice-Chairman P. Cavallaro	Do you have one of these, Ed?
Chairman E. Conklin	Uh...
Michael O'Bymachow	I didn't submit that.
Vice-Chairman P. Cavallaro	Okay, he didn't submit it.
Vice-Chairman P. Cavallaro	Yeah. Never mind.
Chairman E. Conklin	He just pulled it out. I didn't see it. ( <i>Inaudible</i> ) This with this....What's that?
Comm. J. Jones	Should I read the next two?
Chairman E. Conklin	Uh, the next one. ( <i>Inaudible</i> ) ....pictures ( <i>inaudible</i> ). What is that? Comes after this?
	<b>#0417-05 137 Howe Avenue, Dominic and Jean Fabozzi, LLC of 100 Myrtle Street, Shelton.</b>
Comm. J. Jones	#0417-05, 137 Howe Avenue, Dominic and Jean Fabozzi, LLC of 100 Myrtle Street, Shelton for the following 2 variances: 1) Variance to Standards, Schedule B, Line 2 to reduce the minimum lot area per dwelling unit from 7,500 sq. ft. to 1,992 sq. ft.; 2) Variance to Standards, Schedule B, Line 12 to increase the maximum impervious coverage of lot area from 50% to 52.8% in order to create a lot split of parcels A and B in an R-4 zone.
Chairman E. Conklin	Okay. Name and address for the record please.
Unknown voice	Jean Fabozzi. 100 Myrtle Street.
Chairman E. Conklin	That's a legal address? I thought this whole property right now was 130--



Jean Fabozzi	Nh-hn. We get our mail at 100 Myrtle Street.
Chairman E. Conklin	But as far as I know, in looking at this, okay, we'll have this discussion after. Uh, can I have pictures and... Okay. There's supposed to be four pictures.
Jean Fabozzi	Oh, I have those. That's just for the sign, I'm sorry. I have them somewhere. Well, maybe I don't. There's four views of the house.
Chairman E. Conklin	Well, these two are identical. We have to see all four sides of the property, and any extras that needed to support of what, the rest of the whole property itself, the entire--this is 137 Howe Avenue so we need to see the whole property.
Jean Fabozzi	I'm sorry. No, I must have left those at home. I have this, but it's not anything what you want, but it's the rest of the house.
Chairman E. Conklin	No, we need to see sides of the property, back of the property, what it's encroaching upon...
Jean Fabozzi	I have...
Michael O'Bymachow	Would this aerial help?
Chairman E. Conklin	<i>(Inaudible)</i>
Jean Fabozzi	I have different photographs, but I don't have the ones for--
Chairman E. Conklin	How many, is there multiples of that? They're all the same?
Jean Fabozzi	And look, I have the backyard here.
Chairman E. Conklin	<i>(Inaudible)</i> we need one more of those.
Vice-Chairman P. Cavallaro	They're a different size that's all, well...
Chairman E. Conklin	Well, I don't...
Jean Fabozzi	I have pictures of the backyard, the front yard, but I don't know what happened my other ones.
Unknown voice	That's the backyard?
Jean Fabozzi	Yeah, but he needs an actual picture of it and I evidently left them in my office.
Chairman E. Conklin	Well does your, let's see... this is one contiguous property right now, so it can't have two addresses.
Jean Fabozzi	Yes, uh, this right here?

Chairman E. Conklin	This is one contiguous property, right now. It can't have two addresses.
Jean Fabozzi	Well, this is our driveway coming up here.
Chairman E. Conklin	Correct. If it is, I don't know, however it is. But this is one contiguous property, designated as 137 Howe Avenue.
Jean Fabozzi	Okay.
Chairman E. Conklin	So, you can't be showing having two addresses here. That's what; the map here shows one contiguous property. You're making an attempt to subdivide 137 Howe Avenue, correct?
Jean Fabozzi	Yes.
Chairman E. Conklin	So, there is no 100 Myrtle at this time.
Jean Fabozzi	Okay.
Chairman E. Conklin	There's only 137 Howe Avenue.
Chairman E. Conklin	Okay. This, this property has numerous, has been in front of us quite a few times already, correct?
Jean Fabozzi	Yes.
Chairman E. Conklin	Okay. And as it stands, right now, the previous variance that we gave you, okay, designates this piece of property as unit number 11 of this complex.
Jean Fabozzi	Correct.
Chairman E. Conklin	Okay. So, how can we subdivide a unit if this is part of this complex?
Michael O'Bymachow	That's what we're here for today.
Jean Fabozzi	That's why I'm here.
Chairman E. Conklin	But that's not what you're asking for. You're not asking for us to reverse a previous variance. The previous variance stipulates this as a unit of this property, reduces the lot size from 7500 to 3687 square feet per, per dwelling unit.
Jean Fabozzi	Mh-hmm.
Chairman E. Conklin	So, you already have a variance on that.
Jean Fabozzi	Mh-hmm.

Chairman E. Conklin	It also stipulates that own-, the person who lives here must be the owner of this property.
Jean Fabozzi	Correct.
Chairman E. Conklin	Okay, so how can we be giving variances and splitting this property when it stipulates that this is a unit of this property and the owner for this property must live here?
Vice-Chairman P. Cavallaro	Right. Splitting it would reverse that decision.
Jean Fabozzi	Absolutely.
Chairman E. Conklin	Right, and you are not asking for that. You are not asking us to reverse a previous decision.
Jean Fabozzi	Well, I didn't know I had to ask for a reversal. I went to the bank and got permission from the bank that we could that we could take this away from the mortgage that we have here. That was my first step that I did. Then, I went and talked to a Zoning and they said to bring my map. I brought my map. I went and had a map made. I went back and talked to them and they gave me all of my numbers. You know, we, they told me everything that I had to get, and he got all my numbers together and I'm here.
Chairman E. Conklin	Well, that's, that's the reason why, you know, you came to us last time because what happened was you built an apartment here which you weren't supposed to do.
Jean Fabozzi	We built a home there.
Chairman E. Conklin	Right, you built a--
Jean Fabozzi	That's our home. That's where we live.
Chairman E. Conklin	Right, but you did that and we went through a long process through Planning and Zoning because there's a lot of stipulations on this property. And so, to get around that we made sure this was one contiguous property that couldn't be re-subdivided. We attached these as one, as units, and that's what you applied as. You made the application to designate this as a unit for this building.
Jean Fabozzi	So, we could build a home, yes.
Chairman E. Conklin	Well, no it's--
Jean Fabozzi	I thought that--
Chairman E. Conklin	--it's not a home. It's a unit of this apartment building.
Jean Fabozzi	But it's our home.
Chairman E. Conklin	Regardless of what it is, legally what it is right now is a unit of this apartment building.

Jean Fabozzi	Okay.
Chairman E. Conklin	Okay, that's what it is designate--that's what you designated it as.
Jean Fabozzi	I didn't mean to upset you and make you angry.
Chairman E. Conklin	No, I'm not getting angry. I'm just saying that, you know, this, this has already been in front of us, in fact it's been in front of us twice. In July of 2006 you brought it in front of us and it was denied and then you brought back in 2011, uh, in front of us again, which at that time, we approved it as it was to allow you to have, uh, a residence in it as part of this apartment building, because--if I'm not mistaken, I read the minutes--you were living in an apartment here and wanted something larger.
Jean Fabozzi	Right.
Chairman E. Conklin	And you wanted to move into that.
Jean Fabozzi	So, now what we're thinking about is our estate planning. God forbid something happened to me, he couldn't take care of this place all by his-self. It's hard enough with two people. And if anything were to happen to him, it would be harder for me to take care of the whole place. But we love this place--this is our home. We love living here.
Chairman E. Conklin	Okay.
Jean Fabozzi	And we, I mean, it's our home, we've made--
Chairman E. Conklin	But what is the physical--
Jean Fabozzi	--we've made a beautiful patio up there.
Chairman E. Conklin	--what is the physical hardship of this property, of why you're... because you're already down from 7500 to 3600, just short of 3700 square feet. You've already cut it in half, a residential unit. Now you're trying to--
Jean Fabozzi	Let me tell you what my thinking on this whole thing is. This here, this land here and here was never utilized. It was nothing. It was garbage. It's where people partied and got drunk. This was the backyard when we first came.
Chairman E. Conklin	Okay.
Jean Fabozzi	And we have turned all of that into a beautiful living space for our tenants where children can play, where they can have picnics outside with their family--
Chairman E. Conklin	All right.
Jean Fabozzi	--and their, and their friends. So, we have made this where they can live here. They never

	<p>come here. They were never able to come here. This was all ledge and rocks and trees and metal and garbage. It was just trash. So, we decided we're paying taxes on this land; we might as well utilize it. And that's when he said, well why don't we build a garage up here and we can store our, our stuff, have parking for our cars out of the snow, and give him a workshop up top. Well, he never turned it into a workshop, so we decided years later to turn it into a home. But now we are here. The tenants, occasionally, will come to this part with the kids running and playing, but they never come over here. They use our driveway to go for a walk, but that's fine. They can now. Used to they couldn't! Because it was all ledge. They would've broken a leg or something. So now, we love our home. We've turned it into a beautiful place and we don't want to move. We're not saying we're going to sell it now, but God forbid one of us dies, we may have to sell it. That may be our only option and we're going to need a place to live. That's why I'm here.</p>
Chairman E. Conklin	<p>Well, there's also one other variance that's missing off of this. Your backyard is too close to the property line. That should have been listed on here too but you do have it listed up here as a deficiency.</p>
Michael O'Bymachow	<p>But that's preexisting nonconforming.</p>
Chairman E. Conklin	<p>It still has to be listed because it's got to be record, recorded.</p>
Michael O'Bymachow	<p>Okay.</p>
Vice-Chairman P. Cavallaro	<p>There's another variance on it.</p>
Chairman E. Conklin	<p>Right, there's no variance--</p>
Comm. J. Jones	<p>I just, so is this what they're propose--is this, this is right now all one and they're proposing to divide it along this line here?</p>
Chairman E. Conklin	<p>Yes.</p>
Comm. J. Jones	<p>Is that what the request is? And the access to this property is--</p>
Jean Fabozzi	<p>Off of Myrtle.</p>
Comm. J. Jones	<p>--off of Myrtle, so this is--</p>
Jean Fabozzi	<p>--and they gave is 100 Myrtle Street. That's where that 100 Myrtle Street is from.</p>
Comm. J. Jones	<p>Okay, so this is your driveway, there?</p>
Jean Fabozzi	<p>Right.</p>
Comm. J. Jones	<p>How do these people access?</p>

Jean Fabozzi	Here.
Comm. J. Jones	Okay. They, they gotta draw that.
Chairman E. Conklin	Yeah, that's the uh...
Jean Fabozzi	And we have like six extra parking spaces.
Chairman E. Conklin	Yeah.
Comm. J. Jones	How, how many units are in this?
Jean Fabozzi	10.
Chairman E. Conklin	This, this picture essentially sits; this fence-edge line is similar right around, right around here.
Comm. J. Jones	There's 10 here and this is a single family home, here?
Jean Fabozzi	Mh-hmm, yes.
Vice-Chairman P. Cavallaro	What about fire department rescue? Once this is sheared off...
Jean Fabozzi	They can still use it.
Chairman E. Conklin	Right now they all come in--
Vice-Chairman P. Cavallaro	They use it now that it's one, but if it becomes two, there's nothing to stop somebody from putting a fence up there and they can't use it anymore. You may not.
Jean Fabozzi	Oh, that's true.
Vice-Chairman P. Cavallaro	You know, and now you have a fire department rescue problem in this corner of the building.
Comm. J. Jones	You'd have to leave a legal right-of-way.
Jean Fabozzi	--yeah, you'd have to just leave it open, or put a restriction on it.
Chairman E. Conklin	How are these units serviced right now?
Jean Fabozzi	What do you mean serviced? What does that mean?
Chairman E. Conklin	Water, sewer...
Vice-Chairman P. Cavallaro	City sewer,

Jean Fabozzi	City.
Chairman E. Conklin	Uh, single feed for both of them, individual?
Unknown voice	Yes, everything's single.
Unknown voice	Heat, and uh, electric.
Chairman E. Conklin	Yeah, uh, you didn't give us a name.
Dominic Fabozzi	Dominic.
Clerk T. Kelly	I'm sorry, what is your name?
Dominic Fabozzi	Dominic.
Chairman E. Conklin	There's only one, in other words the water feed for this building and this building is the same?
Dominic Fabozzi	No, no.
Chairman E. Conklin	It's two independents?
Dominic Fabozzi	Yeah. ( <i>Inaudible</i> )
Chairman E. Conklin	All right.
Dominic Fabozzi	It's all been registered with separate sewer
Vice-Chairman P. Cavallaro	Separate sewer and water for this house?
Dominic Fabozzi	Yup.
Vice-Chairman P. Cavallaro	And this building?
Dominic Fabozzi	Yes.
Vice-Chairman P. Cavallaro	Not common?
Jean Fabozzi	No, I have the sewage for that somewhere.
Michael O'Bymachow	This one will have to be separate afterwards.
Vice-Chairman P. Cavallaro	So, it's not now?

Dominic Fabozzi	You could make a driveway in the front because the ledge is--
Jean Fabozzi	Here's our, here's our sewage. It goes down the back over here. I'm not sure where that one goes, but we got it in 2011, for this, for this, this house here. Our water, for this house, we would have to come from here, more, more than likely.
Michael O'Bymachow	The utilities have to be separate.
Chairman E. Conklin	Right, that's why I'm asking him.
Michael O'Bymachow	Yes.
Chairman E. Conklin	If there are at this point or not. <i>(Inaudible)</i>
Michael O'Bymachow	It has to be separate.
Dominic Fabozzi	That's no problem.
Jean Fabozzi	But, but the, the way the land lays--let me show you the area here. It's almost a no-brainer, that you would... here we are, our patio, his greenhouse. Right now, he has his garden here and this is where they come in off of Route, off of Howe, Howe Ave. This is their parking. This is their patio. This is how they get into their front. It's all with pavers. And then we come up down here and we go home. They come up here and go, and go home. I mean, it looks, it looks like two, two lots, so it wouldn't be causing any difference to the neighborhood. That's a rent house. That's a rent house. She owns. That's the Chinaman that has the restaurant downtown. That's a rent house. This house is empty and she's selling. So, they're all going to be rent, rent houses. She's thinking about selling because all her kids are gone.
Chairman E. Conklin	But, by the looks of it right now most of them meet the zoning requirements of the town where this is getting reduced drastically.
Jean Fabozzi	Yeah, but if the tenant, but, what, I can't, that's why I don't have your job. What I can't comprehend is this was never utilized.
Chairman E. Conklin	Yeah, regardless of whether you utilize it or not--
Jean Fabozzi	I know, I know--
Chairman E. Conklin	I mean right now, it doesn't even meet zoning regulations and you're wanting us to reduce it even further.
Jean Fabozzi	I mean, I'm not going to come here and, and beg, but I mean, I don't see why.
Chairman E. Conklin	Well, I'm trying to find out what the hardship here is.



Vice-Chairman P. Cavallaro	Is there parking in front of this building now?
Michael O'Bymachow	No.
Dominic Fabozzi	Could make it.
Michael O'Bymachow	All the parking's on the side.
Dominic Fabozzi	But you could make a parking there.
Vice-Chairman P. Cavallaro	But it's not now.
Jean Fabozzi	But we have--
Dominic Fabozzi	You don't need it. It's all grass.
Jean Fabozzi	But we, we have six extra, extra parking spaces for our tenants and right now, it's, it's, somebody could park there.
Vice-Chairman P. Cavallaro	But it's not existing parking?
Jean Fabozzi	No.
Vice-Chairman P. Cavallaro	That's fine.
Jean Fabozzi	You could take all this out and put parking if you wanted.
Dominic Fabozzi	We leave that open for emergency... in case an ambulance comes.
Comm. J. Jones	When was this, when was this constructed?
Jean Fabozzi	The late 60s to early 70s.
Comm. J. Jones	It's old.
Jean Fabozzi	So, back then it was like 2500 square feet per unit and through the years, things have changed and
Dominic Fabozzi	All separate hot water heaters. All separate electric. All our heat's been electric, no gas.
Jean Fabozzi	What we could do, it was thrown in the air, that we could give back the driveway and just get a--what do you call it--easement for a permanent use and main, maintain it if that would make a difference. I mean, that would give them more and we could just like main, maintain it for them.
Michael O'Bymachow	You know, what I was, what I was trying to do was try to get a separate driveway here off of Howe Avenue, but--I don't know if you're familiar with the area--but it's pretty

	steep.
Dominic Fabozzi	Too high, yeah.
Michael O'Bymachow	It just, it just wouldn't--I couldn't--there's not enough length to get the height, you know what I mean. So, it wouldn't be able to work. So, what
Chairman E. Conklin	This, this ground goes up quickly, if I remember right.
Michael O'Bymachow	She, she's, she's level here and then she, then she comes up again. The other option is to split this lot off like this and make this all one lot to hurt, to help a little bit with, you know, the coverage.
Chairman E. Conklin	And have a permanent, permanent easement right-of-way.
Michael O'Bymachow	And then a driveway easement.
Chairman E. Conklin	Through there.
Michael O'Bymachow	Through there.
Jean Fabozzi	But this right here--
Chairman E. Conklin	I sat on the board before and that was one of the, that was one of the reasons why--if I remember why we did what we did--because we saw this coming, being split and split and split and split.
Jean Fabozzi	But you know, we never thought about it, but he's getting older--
Dominic Fabozzi	Not getting younger --
Jean Fabozzi	He's going to be 84 and it could be hard for him.
Vice-Chairman P. Cavallaro	But keep in mind that's a personal hardship.
Chairman E. Conklin	Right.
Vice-Chairman P. Cavallaro	We can only grant variances based on land hardship.
Chairman E. Conklin	Right.
Vice-Chairman P. Cavallaro	Not personal hardships. We've, we've turned down--

Jean Fabozzi	But we can't take care of the land .
Vice-Chairman P. Cavallaro	We've turned down wheelchair access in cases because it didn't meet, it's, it's really a personal--as hard as it seems, and it's a tough decision--
Michael O'Bymachow	The only hardship I really see is this is an apartment complex that was built
Vice-Chairman P. Cavallaro	Pre-zoning.
Chairman E. Conklin	Well, actually it wasn't.
Michael O'Bymachow	It wasn't pre-zone, but, it wasn't, but it's zoned and you know, the requirements have changed since the late 60s.
Chairman E. Conklin	I think you're right. I think the number was 2500 per unit. I'm not positive, but I read through a lot of documents and I think it was.
Michael O'Bymachow	And that's the only hardship that I can think of. You know, what the zoning was then, what it, compared to right now.
Chairman E. Conklin	And we're reducing below that right now.
Michael O'Bymachow	Correct.
Jean Fabozzi	But the thing is that we want to always live in that house. We may never sell it. We just thought in case something drastic happened to he or I we would have the opportunity to sell it if ever the occasion rose that we had to sell it. You know? We're not gonna jump up and sell it tomorrow, no. This is just for the future.
Vice-Chairman P. Cavallaro	The problem is, is whatever decision we make lives with the property long past all of us.
Jean Fabozzi	I know. I know.
Vice-Chairman P. Cavallaro	So, we have to...
Jean Fabozzi	And I totally understand that, but you know, you can only tell me yes, or you can only tell me no. So, it's just...
Michael O'Bymachow	I mean, I could make a suggestion--it's up to them too--is just go back with just splitting this off here, easement, give all this area to here so it kinda reduces that ( <i>inaudible</i> ) I mean you're gonna pick up some, you're going to pick up quite a bit of area, you know 50 by 100 by 200 roughly.
Comm. B. Vasser	How much property would you need in order to meet the zoning regulations at the time that it was built? You said it was 2500?

Jean Fabozzi	Yeah.
Comm. B. Vasser	The number?
Jean Fabozzi	Yes.
Chairman E. Conklin	Uh, back then, yes. That met the zoning regulations.
Comm. B. Vasser	It met with all this land? But how, how much did you have extra?
Chairman E. Conklin	10 times 2500--what's the total parcel?
Michael O'Bymachow	The parcel is only 40,000.
Chairman E. Conklin	It's 40,000 right? And you needed 25,000. 25, sorry, 2500 times uh 10 units. OK.
Comm. B. Vasser	25,000 square feet.
Chairman E. Conklin	Yeah.
Comm. B. Vasser	So, you have 20, so, you have 15, 15,000 extra square feet?
Chairman E. Conklin	Yes.
Comm. B. Vasser	Which is, what is that, a third of an acre, probably?
Comm. J. Orazietti	Not even.
Vice-Chairman P. Cavallaro	No. 40,000
Comm. B. Vasser	No, 40, 42,560.
Chairman E. Conklin	Yeah, that's, well, 40 acre, 40,000 is a building acre.
Michael O'Bymachow	Building acre's 40,000.
Comm. B. Vasser	All right.
Chairman E. Conklin	It does look like you'd be able to meet the 2500--
Michael O'Bymachow	Correct.

Chairman E. Conklin	--with this.
Vice-Chairman P. Cavallaro	So, that could be the hardship.
Comm. B. Vasser	This is segregated--
Chairman E. Conklin	What's that?
Comm. B. Vasser	How many, how many--
Chairman E. Conklin	We're still, we're still looking for a hardship in general.
Michael O'Bymachow	Well that grade now is 20.
Comm. B. Vasser	No, no, how, if you block it off?
Michael O'Bymachow	Uh...
Comm. B. Vasser	What do you think it would be? Right now it's 20 with this.
Michael O'Bymachow	I don't know, but I could figure it out.
Jean Fabozzi	It's 100...
Comm. B. Vasser	It's 20 with this right now?
Michael O'Bymachow	No--right.
Comm. B. Vasser	OK, so all this is 20?
Michael O'Bymachow	20. Correct.
Comm. B. Vasser	So, if you take this off, it's probably going to be around 15 or 12 thousand--somewhere in that neighborhood, right?
Michael O'Bymachow	Probably like 15.
Chairman E. Conklin	What zone is this again?
Jean Fabozzi	R-4.
Michael	R-4.

O'Bymachow	
Jean Fabozzi	75.
Chairman E. Conklin	We needed 7500.
Comm. B. Vasser	If you do this, it puts it some, if you include this, it puts it in the neighborhood of the 2500 when it was approved.
Jean Fabozzi	Right. Right, yes it was. It would. That's why I would be grandfathered in, but I know I can't because I didn't build the place. You know? So,
Michael O'Bymachow	I mean that's an option we can look at.
Chairman E. Conklin	Continue this until next month? Come back with a revised plan?
Michael O'Bymachow	Sure.
Comm. B. Vasser	Look at the density after you block that off, right?
Chairman E. Conklin	Yeah. Come back with a revised plan that--
Michael O'Bymachow	Yeah, 'cause that'll help me with impervious area, the whole nine yards.
Chairman E. Conklin	Okay. Yeah, impervious area, we lose the impervious area.
Michael O'Bymachow	Correct.
Chairman E. Conklin	Uh, we gain, probably, at least 2500 per unit.
Michael O'Bymachow	I think so.
Chairman E. Conklin	It would be either that or very close to the original.
Vice-Chairman P. Cavallaro	If we can get it to the variance or hardship being the original zoning versus today's zoning.
Michael O'Bymachow	I have to find out what that is, I don't know.
Chairman E. Conklin	Well, I went through quite a few records this morning. And I thought I came up with 2500, but you know, you could not find any exact table to say that from back then.

Michael O'Bymachow	I don't have any of the old zoning books.
Chairman E. Conklin	Yeah.
Jean Fabozzi	So, you wouldn't have a problem with us giving this up and using it--
Chairman E. Conklin	Well, it's be for discussion, we didn't, there are some numbers we need to look at and we need to--
Jean Fabozzi	Would it help you if I went and got letters from my neighbors saying that they do approve of it or would that matter to you?
Vice-Chairman P. Cavallaro	Can't hurt.
Chairman E. Conklin	It wouldn't hurt, but we are looking for hardship of the land and things of that nature, too. I mean like I said--
Comm. B. Vasser	So, you'll come back with a revised plan, ( <i>inaudible</i> ) would be good.
Vice-Chairman P. Cavallaro	Having, having nobody against it is helpful, uh, the land hardship is a big deal today. ( <i>Inaudible; multiple voices.</i> )
Chairman E. Conklin	I mean there is no other way to access this piece of property except out through here.
Comm. B. Vasser	Correct.
Michael O'Bymachow	That's it.
Chairman E. Conklin	I mean, while we could blast, we could try , but I mean in general you're not going to want the cost--
Michael O'Bymachow	Not only the height, and the length, you know, it doesn't work.
Chairman E. Conklin	Right.
Michael O'Bymachow	Uh, I just did something quick and just, just to get, 'cause it's a state highway you have to maintain a minimum of 5% for the first 25 feet, you know just for the landing. And then that, right where that is, is the grade at the toe of the slope. So, you got a 10-foot--
Chairman E. Conklin	Yeah, you, you're not, there's not even--.
Michael O'Bymachow	You don't have it. It just doesn't work.
Comm. L. Adanti	Could that be part of the hardship?

Jean Fabozzi	Ah, that's what you said.
Comm. B. Vasser	Well, a hardship to access--
Michael O'Bymachow	To access--
Comm. B. Vasser	--the property, yes.
Jean Fabozzi	Oh.
Vice-Chairman P. Cavallaro	To access the property from the front, yes.
Comm. B. Vasser	Yes, sure.
Jean Fabozzi	Thank you, I had forgotten that.
Chairman E. Conklin	We do need more pictures when you come back next month.
Jean Fabozzi	Yes.
Chairman E. Conklin	All the pictures
Jean Fabozzi	I will bring those, yeah.
Chairman E. Conklin	Okay.
Jean Fabozzi	Yeah.
Chairman E. Conklin	We need all of those.
Jean Fabozzi	Okay.
Chairman E. Conklin	All right.
Michael O'Bymachow	Well, I can figure this out pretty quick, so I mean should I give that to you guys at another time?
Chairman E. Conklin	Well, we, we only meet, we only need them--
Michael O'Bymachow	You know what I mean, so you can kinda look at it before the meeting?
Chairman E. Conklin	Well, none of us meet beforehand, but if you get it to us at least I'll know we have it in the record so we can move forward. Try not to ask for a continuance or anything else on



	that.
Michael O’Bymachow	Okay, all right. Thank you.
Jean Fabozzi	That’s the letter that I sent to my--
Chairman E. Conklin	And Jamie will just read that. This is the letter that was sent out to all the abutting neighbors.
Comm. J. Jones	Uh, this, a number of letters addressed to uh, the surrounding property owners from Jean Fabozzi 100 Myrtle Street. April 18 notice of public hearing for 4/18/17, 7:30pm. Pursuant to Section D of the Shelton Zoning Board of Appeals Regulations, you are hereby notified of a pending application for a split of property at 137 Howe Avenue. The pending application will be heard at a public hearing on 4/18/17 at 7:30pm at the Shelton City Hall, 54 Hill Street, Shelton. If you have any questions please call me, or rather a copy of the application is on file at the Town Clerk at City Hall. Thank you for your time. Signed Jean Fabozzi. Sent to Lucky Charms Realty, Laurel Toal, Toni Rodriguez, Lei-Wah Chang, Mrs. Orlando Buccelly, William J Kinahan, and Judith Petz.
Chairman E. Conklin	Okay, the other thing I’m gonna do too, also is contact the city attorney in regards to the variance that was, was granted last time and find out what the ramifications are of your doing this and making sure that there isn’t some other legal issues that we have to cover.
Vice-Chairman P. Cavallaro	Piggyback variances.
Jean Fabozzi	Okay, but just, just so you know, we do qualify up here. We meet all of our, uh--what do you call it...
Chairman E. Conklin	You met all of the zoning regulations--
Jean Fabozzi	Thank you.
Chairman E. Conklin	--to build that building.
Jean Fabozzi	Yes.
Chairman E. Conklin	I looked that up. You had met all those--
Jean Fabozzi	Yeah.
Chairman E. Conklin	--setbacks, and everything else was fine with that building.
Jean Fabozzi	Mh-hmm, yes.
Chairman E. Conklin	Ok. The other thing too you might want to take a quick look at is now that we’re cutting this off, impervious lot coverage, just make sure we--it looks like it does--but there’s

	quite a bit of paving, or pavers, here in driveway.
Vice-Chairman P. Cavallaro	Yeah, this is all driveway, patio--
Chairman E. Conklin	Take a look at that--
Michael O'Bymachow	Oh yeah.
Vice-Chairman P. Cavallaro	This is all grass?
Jean Fabozzi	Mh-hmm.
Vice-Chairman P. Cavallaro	This way too.
<i>(Voices talking over each other)</i>	
Michael O'Bymachow	That's all pavement from here up.
Chairman E. Conklin	My suggestion would be to get copies of these, okay, or revise this so when we have it next time, we have whatever we're actually going to do. So we fully understand it. Okay?
Michael O'Bymachow	Well, I have to redo--if I'm gonna do a new layout, I have to.
Chairman E. Conklin	Yeah, we're going to have sort of a revised applications.
Michael O'Bymachow	Correct.
Chairman E. Conklin	Okay, so, and we're the people pushing you for the revisions so.
Michael O'Bymachow	No problem.
Chairman E. Conklin	Okay. Any other issues? Okay.
Michael O'Bymachow	I thank you.
Chairman E. Conklin	Okay. So, it will be continued to next month.

Jean Fabozzi	Thank you. Goodnight.
Chairman E. Conklin	Goodnight.
Vice-Chairman P. Cavallaro	Have a good night.
Chairman E. Conklin	Okay, I think that--all right. Oh, 27 Weybosset. We got one more here. Okay, go ahead and read it.
	<b>0417-06 27 Weybosset Street, Vladimir Powick of 27 Weybosset Street, Shelton.</b>
Comm. J. Jones	#0417-06, 27 Weybosset Street, Wlodrimieiz Pawilcz of 27 Weybosset Street, Shelton for a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 25 ft. to 8 ft. in order to construct an 18 ft. x 20 ft. deck in an R-4 zone.
Vice-Chairman P. Cavallaro	This is up in malfunction junction.
Chairman E. Conklin	Is the applicant here? Okay, the applicant is not here. All right, we will, uh, just--we're not even going to open the hearing. The hearing is not even going to be opened. No. Just reschedule for next month.
<i>(Inaudible; multiple voices)</i>	
Clerk T. Kelly	Would you call that carrying?
Chairman E. Conklin	Yeah, just carry the application to next month.
Clerk T. Kelly	Okay.
Comm. P. Cavallaro	It's an Indian name. Gotta be. Pine Rock Park, right?
Chairman E. Conklin	<i>(Inaudible)</i> No, no, this is up off of (Coram) just as you, uh, just before you reach the top, it's--I think--two streets, but I don't--
Vice-Chairman P. Cavallaro	My son's <i>(Inaudible; multiple voices)</i>
Chairman E. Conklin	Actually, the back half of this property where it swings out, starts to drastically drop towards the downtown, downtown area, the back half of this property.
Tina	Okay, and then.
<i>(Inaudible; Multiple voices)</i>	...There's condos up there...on the left hand side....Ralph built those up there, Ralph developed all that, I think....Ralph Matto
Chairman E.	That, that's on the other side of the street. All right, can I have those pictures? Let's get

Conklin	all of this--
Comm. B. Vasser	How about number 9, is that all?
Chairman E. Conklin	That's, that's the decision.
Vice-Chairman P. Cavallaro	No, well, we don't have any more time, though. The clock ran out! ( <i>Inaudible</i> )
Chairman E. Conklin	All right.
Clerk T. Kelly	Now, is the hearing closed or are you still?
Chairman E. Conklin	Our, our hearing at this point is closed. We're going to go into decisions.

**WORKING SESSION:**

1. #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

2. #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 May meeting with 35-day extension.**

3. #0417-01 4 Fawn Hill Road, Carlos Fernandes of 4 Fawn Hill Road, Shelton, for a variance to Section 24, Schedule B, Standards Line 9 to reduce the minimum setback from the left side property line from 30 ft. to 12 ft. in order to construct a 12 ft. x 30 ft. above ground pool an R-1 zone.

**Motion made by Commissioner Jones and seconded by Commissioner Cavallaro to approve the variance with stipulations. Motion approved by unanimous vote.**

4. #0417-02 360 Nichols Avenue, Samantha and Christopher Cook of 360 Nichols Avenue, Shelton, for a variance to Section 24.12.5, Schedule B, Line 9 to reduce the minimum setback from the left side property line from 30 ft. to 15 ft. in order to install a 22 ft. round, above ground pool in an R-1 zone.

**Motion made by Commissioner Jones and seconded by Commissioner Vasser to approve the variance with stipulations. Motion approved by unanimous vote.**

5. #0417-03 53 Wheeler Street, Lot #1, Joseph Geoghan of 72 Wheeler Street, Shelton for: two variances to Section 24, Schedule B, Lines 3 and 4 to: 1) reduce the minimum dimension of square on lot from 60 ft. to 52 ft.; 2) reduce the minimum lot frontage from 60 ft. to 52.9 ft. in order to create a lot split in an R-4 zone.

AND

6. #0417-04 53 Wheeler Street, Lot #2, Joseph Geoghan of 72 Wheeler Street, Shelton for two variances to Section 24, Schedule B, Lines 3 and 4 to: 1) reduce the minimum dimension of square on lot

from 60 ft. to 52 ft.; 2) reduce the minimum lot frontage from 60 ft. to 52.9 ft. in order to create a lot split in an R-4 zone.

**Motion made by Commissioner Adanti and seconded by Commissioner Cavallaro to approve the variances with stipulations. Motion approved by unanimous vote.**

7. #0417-05 137 Howe Avenue, Dominic and Jean Fabozzi, LLC of 100 Myrtle Street, Shelton for the following 2 variances: 1) Variance to Standards, Schedule B, Line 2 to reduce the minimum lot area per dwelling unit from 7,500 sq. ft. to 1,992 sq. ft.; 2) Variance to Standards, Schedule B, Line 12 to increase the maximum impervious coverage of lot area from 50% to 52.8% in order to create a lot split of parcels A and B in an R-4 zone.

**Hearing continued to May meeting.**

8. #0417-06 27 Weybosset Street, Wlodrimieiz Pawilcz of 27 Weybosset Street, Shelton for a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 25 ft. to 8 ft. in order to construct an 18 ft. x 20 ft. deck in an R-4 zone.

**Applicant not present; hearing carried to May meeting.**

9. #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 Orazietti and seconded by Commissioner Vasser to deny the variance. Motion passed by a unanimous vote.**

Acceptance of the Minutes of March 21, 2017.

**Motion made by Commissioner Orazietti and seconded by Chairman Conklin to approve the minutes as presented by the clerk. Motion passed by unanimous vote.**

Hearing adjourned at approximately 9:00 P.M.

SHELTON BOARD OF ZONING APPEALS

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