

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday June 20, 2017

Agenda:

#0517-01 60-62 Geissler Drive, Laura Ferrary of 62 Geissler Drive, Shelton, CT

#0517-02 24 Nicholdale Road, Joseph Ferro with BRR Architects of 24 Nicholdale Road, Shelton, CT

#0617-01 1 Waverly Road, Kathleen T. Yolish of 1 Waverly Road, Shelton, CT

Chairman Edmund Conklin: Good evening ladies and gentlemen and welcome to the June meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations and appeals on zoning department decisions and actions. When your application is called please come up to the table and give your name and address. To start the hearing our regulations require that you have placarded your property, that you provide four pictures--one including the placard--and the receipts indicating that you have notified your abutting neighbors 10 days in advance of the meeting. If you do not 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. The two recorders at this table can only record one person speaking at a time. The conversation at all times is between the person who has the floor and the board. Also, please turn off or mute your cell phones and any conversations in the audience need to be taken into the hall. Present tonight, our Alternate Commissioner Comm. J. Oraziotti. will be sitting in for Commissioner Bryan Vasser; Commissioner Linda Adanti; our clerk, Clerk Tina Kelly; myself, Ed Conklin; to my right is Jamie Jones; to his right is Phil Cavallaro.

Comm. J. Jones: To whom it may concern: The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday June 20, 2017 at 7:30pm in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.

#0517-01, 60-62 Geissler Drive, Laura Ferrary of 62 Geissler Drive Shelton, CT, for a variance to Section 24 Schedule B Line 8 to reduce the minimum setback in the rear property line from 25 feet to 5 feet in order to construct an above-ground swimming pool measuring 15' x 30' x 54" in an R-4 zone. Hearing continued from May hearing.

Chairman Edmund Conklin: Is the applicant here? And this hearing is continued from last month.

Ralph Lowry: Uh, you asked us to get a letter from the rear owner.

Chairman E. Conklin: Yup. Just for the record again, give your name and address please.

Ralph Lowry: Uh, Ralph Lowry for Laura Ferrary, 60-62 Geissler Drive.

Laura Ferrary: Laura Ferrary, 60-62 Geissler Drive.

Chairman E. Conklin: Okay. Jamie, could you read that?

Comm. J. Jones: Oh sure.

David Morais
67 Willoughby Road
Shelton, CT 06484
June 16, 2017

Zoning Board of Appeals
Shelton, CT 06484


Re: #0517-01 60/62 Geissler Drive, Laura Ferrary

To Whom It May Concern:

I am the owner of 22-24 Geissler Drive. I do not have an issue with the swimming pool at 62 Geissler Drive being 5 feet from the property line as long as the owner installs a 6 foot high solid white vinyl fence the full length of our adjoining properties on the property line.

Sincerely,

David Morais
203-260-0898



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Chairman E. Conklin: Now, I've pulled an aerial view of the properties that are there. He is the person that is directly behind you?

Ralph Lowry: Yes sir.

Chairman E. Conklin: It is that person. Okay.

Ralph Lowry: Yup.

Vice-Chairman Phillip Cavallaro: Is Geissler a horseshoe, does it go right around?

Ralph Lowry: Yes. Yeah it comes off of Ford Hill and goes all the way back around again.

Vice-Chairman P. Cavallaro: All right, okay. I was wondering how back-to-back you could both see.

Ralph Lowry: Well he was on the lower number side and we're on the higher number side

Chairman E. Conklin: That's 62 there 60-62 you know that right?

Vice-Chairman P. Cavallaro: OK.

Ralph Lowry: I have a little better view if you guys want it it's just a little bit bigger picture.

Vice-Chairman P. Cavallaro: Sure.

Chairman E. Conklin: Sure. You want to get a view of your abutting neighbors and--

Ralph Lowry: Yup.

Chairman E. Conklin: --anything else I can--

Ralph Lowry: Yeah, it shows everybody else on the street including his property here.

Chairman E. Conklin: All right. Was, is it, a drone?

Ralph Lowry: It came out like that the first time I saved it and blew it up. [Laughter]

Chairman E. Conklin: Now.... Okay so that structure--so basically your property ends where there's a fence along this property that goes straight across. And it's sort of showing here there's a fence here.

Ralph Lowry: Yes, this is the one that's next door to what she's erected this fence prior to. That's been there for a long time and her pool also, that's been there forever.

Chairman E. Conklin: And that fence goes straight, straight across there.

Ralph Lowry: And what we're going to do is what Mr. Morais wants us to do is erect a similar fence between the two properties. We have no problem with that; we've agreed to it, uh, he's agreed to wait until after the pool is up so the machines got room to maneuver back there.

Chairman E. Conklin: And you have, you're connected to city water and city sewers?

Ralph Lowry: [talking over each other] Yes, yup. I'm going to put the fence up myself. We've already estimated the materials and stuff on the property. It's not a problem. We actually have no problem with that because we try to keep people from just coming through the yard with the pool there anyway so.

Comm. J. Orazietti : How far is that from the woods?

Vice-Chairman P. Cavallaro: This one's real close there.

Chairman E. Conklin: Yeah, that's what I was trying to see is how far that--

Ralph Lowry: The one next door to us is right on the property line. That, that pool was erected without a variance and then the other neighbor on the backside of her made a complaint then she had to get the variance as an afterthought. We're trying to avoid that.

Chairman E. Conklin: That's a close line now that is obviously--

Ralph Lowry: No, that's gone. That picture's about a year old.

Chairman E. Conklin: Okay.

Ralph Lowry: In fact, if you look at the front porch it was under construction at the time. It's been completed for a while now.

Chairman E. Conklin: Okay.

Ralph Lowry: That was last year. Uh, Mr. Orazietti--I think it was Mr. Orazietti last time we were here--uh, asked us about putting the pool in between the garages, and one of the reasons I got the bigger picture is you can see there's a swing set and stuff there, and if we put the pool in between the garages, wipe out whatever area the kids got to play in, which is not very big to start with.

Comm. J. Orazietti: All right, these are two garages: garage one--

Chairman E. Conklin: Have we seen lot coverage on this? I'm sorry, what's that?

Comm. J. Orazietti: We had other photos at the last meeting right?

Chairman E. Conklin: You're saying that the lot cov...I'm sorry

Comm. J. Orazietti: We had other photos from the last meeting

Chairman E. Conklin: We didn't have any photos from the last meeting -- oh, the, uh

Comm. J. Orazietti: We had some.

Chairman E. Conklin: All right. Do you have photos?

Clerk T. Kelly: Here you go.

Chairman E. Conklin: Now one of the things that is that you're--maximum lot coverage should be less than 25 percent, or 25 percent or less, max.

Ralph Lowry: Yeah, I think we've already determined it was less than that.

Chairman E. Conklin: I don't know I'm looking at this picture and--I'll tell you that impervious--

Ralph Lowry: I don't know, again--

Chairman E. Conklin: --coverage, is, is... close to 25 percent.

Comm. J. Oraziotti: So, if this is the swing set and he wants to put it back here.

Chairman E. Conklin: What is this off the side of this, this land. One yard is bigger than the other.

Ralph Lowry: It's just a small addition on the rear that was erected years and years ago before we had the property. It's been there forever.

Chairman E. Conklin: What is it?

Ralph Lowry: It's like an addition.

Laura Ferrary: Oh no, that's a deck. That's a little deck.

Chairman E. Conklin: That's a deck?

Ralph Lowry: Oh that's a deck!

Laura Ferrary: Yeah.

Chairman E. Conklin: That's a deck off a garage?

Laura Ferrary: Yeah

Ralph Lowry: Yeah.

Chairman E. Conklin: Has anyone been living in this garage?

Laura Ferrary: No.

Ralph Lowry: No, we put the deck there because there's no good way to put one off the back of the house because the two garages are right there. So, her father when he owned the house years ago had the deck put on the garage at least got the, they hoisted off the ground. We have to walk through the yard to get to the deck.

Chairman E. Conklin: Because that deck is part of the lot coverage.

Ralph Lowry: Yeah. I showed it on your original plot there.

Comm. J. Orazietti: And and--

Chairman E. Conklin: Okay, questions?

Comm. J. Orazietti: Yeah, did we get letters from everybody? Next-door neighbors?

Chairman E. Conklin: Uh--

Vice-Chairman P. Cavallaro: I know you have one from the back lot one then you have--

Chairman E. Conklin: That's the only one--

Vice-Chairman P. Cavallaro: --McGovern, Morais, & McBirdy?

Ralph Lowry: Yeah, you got them all.

Comm. J. Orazietti: We got them all? What's that, notifications or letters? I forget.

Ralph Lowry: No, I gave you the receipts for all three letters

Comm. J. Orazietti: It's not fresh in my mind.

Chairman E. Conklin: No, no did you get letters--he's asking if you got letters of approval.

Vice-Chairman P. Cavallaro: In favor of--

Comm. J. Orazietti: Right.

Ralph Lowry: No, he only asked us for Morais, the guy in the back. The other two folks were not encroaching on the property.

Comm. J. Orazietti: I know but I think after the last meeting I said to you that in a case like this it helps to have--you know--I know you notified them--

Ralph Lowry: Right.

Comm. J. Orazietti: But it helps, it helps us if you have letters from your surrounding neighbors that say "hey, no problem."

Ralph Lowry: Okay, the only thing I remember was uh, Mr. Conklin asking us about the guy right behind us.

Comm. J. Orazietti: I asked you.

Ralph Lowry: Okay.

Comm. J. Orazietti . ?: You know, I, I, well I didn't ask you I said that to you.

Ralph Lowry: Yeah.

Comm. J. Orazietti: So you didn't--

Ralph Lowry: You asked us if we could get the letter--

Comm. J. Orazietti: No, I didn't ask you, I didn't tell you to get anything. I said that it helps us for making a determination--at least it helps me, I don't know about them--

Ralph Lowry: No, I understand yeah.

Comm. J. Orazietti: You know if all your neighbors are saying, "hey look it's no problem ba ba ba" because this is a, this is a big pool--

Ralph Lowry: Mm-hmm.

Comm. J. Orazietti: --going in a small area.

Ralph Lowry: Mm-hmm.

Comm. J. Orazietti: And I remember saying that to you that--

Ralph Lowry: Okay.

Comm. J. Orazietti: --you know, you know like if you brought me something like that I could say "well you know nobody else has a problem with it." A lot of times--

Ralph Lowry: Yeah, I do apologize-- [talking over each other]. We had that problem with Mr. Morais.

Comm. J. Orazietti : You don't have to apologize to me--it's, it's on you.

Vice-Chairman P. Cavallaro: My question is, where does all the roof water go from these two garages and the main house?

Ralph Lowry: There's an underground drain system. The drainpipes drop out of the ground and then it gets goes out the storm drains. It's been like that for years.

Vice-Chairman P. Cavallaro: So they're all, all the leaders--

Ralph Lowry: Leaders go in the ground drains, yup.

Laura Ferrary: Mm-hmm.

Comm. J. Orazietti: But this one here meets--

Ralph Lowry: Where it goes I couldn't answer that question, but they do go in the pipes into the ground.

Comm. J. Orazietti: So can't put it here; he doesn't want to put it here.

Vice-Chairman P. Cavallaro: Is there a storm sewer on the street? I don't think so

Ralph Lowry: Yes.

Vice-Chairman P. Cavallaro: There is?

Ralph Lowry: Yes, there is.

Comm. J. Orazietti: You, see what I'm saying? I mean I got nothing against pools. It's, this is where he wants to put, he wants to put the pool back.

Chairman E. Conklin: This is an, this is an old military build this?

Ralph Lowry: Yeah, that was originally military. Built in the nineteen-seventy--uh--

Comm. J. Orazietti: It's the old, uh...

Ralph Lowry: At least that's my understanding anyway.

Comm. J. Orazietti: Yeah, they were built...

Ralph Lowry: I wasn't alive back then.

Chairman E. Conklin: Something with World War II, I know that.

Laura Ferrary: For veterans.

Chairman E. Conklin: Post, post world war--

Laura Ferrary: They were built for veterans.

Chairman E. Conklin: What's that?

Laura Ferrary: They were built for veterans, the housing.

Comm. J. Orazietti: Right well it was VA, VA housing that's right. Uh, we lived there; I live around the bottom of the hill. I know the [unclear] very well.

Chairman E. Conklin: Okay, any more questions Jim?

Comm. J. Orazietti: Just uh, I, I also, I also asked you if you considered a smaller pool.

Ralph Lowry: Yes, you did.

Comm. J. Orazietti: And what--

Ralph Lowry: We'd rather not and that's the only answer I have at this time, was we'd rather not. Because even if we went to a smaller pool again--you asked in relationship to, I think you asked in relationship to between the two garages again, if a smaller pool would fit. Again, even a 12-foot pool, I kind of drew it up on a plot plan and even a 12-foot pool.

Comm. J. Orazietti: 16's about the smallest they make right?

Ralph Lowry: No, they make a 12-foot round but I even if I put a 12 foot round there, if you look at the pictures, it wipes out the kids' play area.

Comm. J. Orazietti: Yeah, and--

Ralph Lowry: And between the swing set and the deck it's only about 14 feet.

Comm. J. Orazietti: Between the swing set and the deck.

Ralph Lowry: It's only about 14 feet so it would wipe out the kids' play area.

Comm. J. Orazietti: So between the deck and the garage is probably 20 something feet.

Ralph Lowry: Mhmm, about 22, I think, or 21 yeah.

Comm. J. Orazietti: OK, you know I got a good idea where you want to put it--it's good that you have the letter from the rear property owner. And it's--

Ralph Lowry: Well, the one on the left is her cousin, and the one on the right we know well I mean I could've gotten them--

Comm. J. Orazietti: Well that helps, doesn't hurt. So, the one on the, the one on the right--

Ralph Lowry: The one with the pool that you see there, in the corner.

Comm. J. Orazietti: That's, that's not conforming, the one on the corner?

Ralph Lowry: Yeah, I believe both of them are. The one on the corner is definitely non-conforming.

Comm. J. Orazietti: Yeah, but the one to the left looks like it might be

Ralph Lowry: It's close, but yeah it might be. Yeah, because if you look at where the pool is and where the tree line is, it's only about ten feet. So, assuming the tree line is on the property line, they're real close

to non-conforming. The one uh, the one in the corner is absolutely non-conforming. That was right on the line.

Chairman E. Conklin: The shed is non-conforming. That's a shed?

Laura Ferrary: That's not ours.

Ralph Lowry: That's not our shed we were--

Chairman E. Conklin: I know that but--

Ralph Lowry: Oh.

Chairman E. Conklin: That's the neighbor's shed.

Ralph Lowry: Yeah, the shed is non-conforming; it's on the property line. Uh, there's a shed on the one Mr. Morais's property that's nonconforming. That shed that shows in the corner behind the garage, that shed--

Laura Ferrary: That's McGovern's and that other is Morais'.

Ralph Lowry: That one's Morais's, it's Morais's, and yes that's nonconforming also. And that's on the slab.

Chairman E. Conklin: That's only going to be four, five feet away.

Ralph Lowry: Oh okay. It's not; it's right on the property line, it's right behind the hedge line--

Chairman E. Conklin: Okay, questions?

Comm. J. Oraziatti: And, and the fellow behind you, I think I remember Chairman asking you for that letter--it's because he rents that house, correct?

Ralph Lowry: Yes, correct. And he's the one we did get the letter from.

Comm. J. Oraziatti: And, and, and you're in agreement with putting a--

Ralph Lowry: Yes.

Comm. J. Oraziatti: --6-foot white vinyl fence--

Ralph Lowry: Yep.

Comm. J. Oraziatti: --along the property line.

Ralph Lowry: Yes, we had already talked about it, him and I had talked about it when we first talked about the pool. He originally wanted to separate the properties anyway with a line of trees. I think he's figured out that if asked us to put the fence up, we'll put the fence up because of the pool, and it saves him the money on the trees, but we're not going to go there. [Laughter]

Comm. J. Oraziotti: Okay.

Ralph Lowry: Anyway--

Comm. J. Oraziotti: I got you.

Ralph Lowry: We're in agreement with the fence.

Comm. J. Oraziotti: You're in agreement with that?

Ralph Lowry: Yes. Uh, the only, he did agree to, it's not, he did agree to wait until after the pool was in so that the machine goes easy to maneuver. And there's some hedges that need to be ripped out.

Chairman E. Conklin: Where are you planning on putting the filter and the pump, the pump and filter?

Ralph Lowry: Right literally, literally right next to the deck

Chairman E. Conklin: And where is the deck?

Ralph Lowry: On this side of the property, I'll show you.

Chairman E. Conklin: The pool will be here [talking over each other] which deck it is -- the deck on the pool, deck on the--I guess so it's the existing deck that's on the side of the garage--

Ralph Lowry: Right, and I'm going to build like a two-foot extension swinging from the deck and the pool that's all.

Chairman E. Conklin: Okay.

Ralph Lowry: And the filter and pump will be right under that.

Chairman E. Conklin: Any other questions? Any other questions? Anybody in the audience in favor of this application? Anybody in the audience opposed to this application? If there'll be no further discussion from the board, I'll declare the hearing closed then. All right, thank you.

Ralph Lowry: OK, uh, what's our next step? Are you in favor, or?

Chairman E. Conklin: Uh, you have to wait until we take a vote on it.

Ralph Lowry: Oh, okay.

Chairman E. Conklin: I'm not sure if it'll be tonight or if we'll make that decision later.

Ralph Lowry: And we'll be notified?

Chairman E. Conklin: Yes.

Clerk T. Kelly: Sorry, do you have the picture?

Chairman E. Conklin: Yes, yes.

Ralph Lowry: Okay, thanks very much guys.

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Later that evening, during the work session, the Board upon motion by Commissioner Jones and seconded by Commissioner Adanti, unanimously voted that:

#0517-01 "In the application of Laura Ferrary of 62 Geissler Drive, 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 10 ft. (*see stipulation #1 below*) in order to construct an above ground swimming pool measuring 15 ft. x 30 ft. x 54 ft.

The application for a variance is approved with stipulations.

Inasmuch as there is no other suitable property location on which to place an aboveground pool.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 8 to reduce the minimum setback from the rear property line from 25 ft. to 10 ft. in order to construct an above ground swimming pool measuring 15 ft. x 30 ft. x 54 ft.

This certificate of approval is contingent on the following stipulations: 1. The minimum setback from the rear property line must be at least 10 ft., not 5 ft. 2. The variance is granted for the construction of an above ground pool. 3. Pump, filters, and heater shall be on the side closest to the applicant's house and not in the variance area. 4. All necessary permits shall be pulled and safety measures followed. 5. A 6 ft. high, white vinyl fence must be constructed along the rear of the property.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

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Commissioner J. Jones:

#0517-02, 24 Nicholdale Road, Joseph Ferro w/ BRR Architects of 24 Nicholdale Road, Shelton, for a variance to Section 24.4.12 to reduce the minimum setback from the left side property line from 20 ft. to 8 ft. and a variance to Section 24.4 to reduce the minimum setback from the rear property line from 30 ft. to 14.67 ft. in order to construct a one story, detached, 32'6" x 22'0", wood framed garage with concrete slab in an R-1 zone. (Continued from May hearing.)

Chairman E. Conklin: This is another hearing that's been continued from last month.

Joe Ferro: For the record Joe Ferro 24 Nicholdale Road.

Clerk T. Kelly: Okay.

Joe Ferro: Where do you want to start with? Did you go back to the beginning? I think the last time you sent me away was just for a couple of more photographs and the notifications.

Chairman E. Conklin: Right, you did not notify the abutting neighbors so we need the receipts of notification for the abutting neighbors. Okay.

Joe Ferro: And actually, there's three in there.

Chairman E. Conklin: Where is the stamp on this from the post office?

Joe Ferro: No, I have these from the post office they sent back these with the signatures.

Chairman E. Conklin: Ok, I see here nothing. There was supposed to be a stamp here from the post office saying what day you mailed them out.

Joe Ferro: We went, we went there and they took them--they obviously delivered them.

Chairman E. Conklin: Yeah that's why, okay, so we have proof that they were mailed out at a reasonable time. All right, so I'll keep those just for that reason.

Joe Ferro: That's fine.

Chairman E. Conklin: All right, so there's that.

Joe Ferro: I brought along--you had asked at the time for--unfortunately Google maps that's the best I could do for an aerial photo although I think I see one over there--

Chairman E. Conklin: Yeah, we have aerial photos.

Joe Ferro: --which is infinitely better.

Chairman E. Conklin: [unclear]

Joe Ferro: Yeah, and then I went around and you had asked for more photos of the property--

Chairman E. Conklin: Right.

Joe Ferro: --so I had found a series--

Chairman E. Conklin: --surrounding to see how they impacted--

Joe Ferro: Correct, you know, from, from left-hand corner in front of the driveway, driveway looking at the left of the house--

Chairman E. Conklin: Okay.

Joe Ferro: --and the back of the house towards where the garage would stand--

Chairman E. Conklin: All right.

Joe Ferro: --this is other property line looking up--

Chairman E. Conklin: Okay.

Joe Ferro: --and this is actually across the yard to where the garage would be situated.

Chairman E. Conklin: All right.

Joe Ferro: You asked me to move the placards which I actually put it, on sunny days I moved it from a spot in the front of the house on a sign and on rainy days I moved it back and taped it to the front door so we uh--

Chairman E. Conklin: Just send those down there.

Joe Ferro: And that's the last one showing the placards on the front of the house.

Chairman E. Conklin: That's the area that had pictures from last month.

Joe Ferro: Correct. [inaudible] I actually have an 11" by 17" of a plot plan but I believe you have a bigger one there.

Chairman E. Conklin: This is the plan of what you're trying to do?

Joe Ferro: Yes, sir.

Chairman E. Conklin: And, what is, okay--what is this building that opened--no this is the plot plan.

Joe Ferro: That's the plot plan. The intention is a two-car garage.

Chairman E. Conklin: All right.

Joe Ferro: Last time in the meeting we discussed, you know, a third of an acre and one acre zoning. We had discussed the setbacks--

Chairman E. Conklin: Right.

Joe Ferro: --and build a little area, the reserved fields.

Chairman E. Conklin: Now are there any wetlands in this area?

Joe Ferro: No, sir.

Chairman E. Conklin: Okay, I drove past looking from the back, and behind these houses--

Joe Ferro: Behind 30 there's a pond which I had assumed there's some wetlands back there.

Chairman E. Conklin: Okay, that's this area up here?

Joe Ferro: Uh, let me see the orientation. Yeah, I think so yeah, yeah there's a pond that sits here and there is a stream that runs back--

Chairman E. Conklin: I knew there was a stream in the area somewhere, that's why I was asking whereabouts in relationship to your house--

Joe Ferro: No, none of it comes into contact with the property.

Chairman E. Conklin: And Naugatuck Valley Health?

Joe Ferro: You, it should be, yeah, I think I submitted that with the last thing.

Chairman E. Conklin: Let's make sure, and go through my checklist of things.

Joe Ferro: I did get approval of--

Chairman E. Conklin: So you have been out to Naugatuck Valley Health?

Joe Ferro: Absolutely, we have been approved by Naugatuck Valley Health.

Chairman E. Conklin: So, there's a plot plan down here guys.

Comm. J. Oraziatti: So I know it says here the left side of the house, is this--

Joe Ferro: I mean, you say tomato--it's at the base of the driveway, which, facing the house from the street, is on the right hand side of the property.

Comm. J. Oraziatti: I just, I just wanted to be clear. I didn't know if you had just put a garage in on the left-hand side of the house. [talking over each other]

Chairman E. Conklin: Yes, left-hand side. So, it's done that way for in Stamford, it'll be forty years of how, of how the orientation is done.

Joe Ferro: This is my first opportunity to do this so I am learning all the time.

Chairman E. Conklin: All right, uh so we have [talking over each other] and there's no way we can move this over two more feet at all?

Joe Ferro: To what end? I mean, we're just still, we're still in--

Chairman E. Conklin: I mean we historically haven't approved anything above ten feet.

Joe Ferro: Right, I find, you know again, we're just in such a small piece of property in this, in this R-1 residential zoning which is you know you could see where the reserve field is drawn in--it just doesn't offer us a--

Chairman E. Conklin: And how did you ever get that approval by Naugatuck Valley Health?

Joe Ferro: They did. This is what we submitted to them.

Chairman E. Conklin: Is that supposed to be a minimum even if it's not--I'm going through this right now, on mine, that's supposed to be a minimum of 15 feet, any foundation at all. So, the one with gravel is 25 feet--

Linda Adanti: So is this the septic system?

Chairman E. Conklin: --so I don't know how you got that approved [laughter]. It's close. Looking at that, I'll ask, I'm asking again if that's--

Joe Ferro: I can only say that I've taken the planning and brought them plans—

Chairman E. Conklin: If we were even to approve this, you know and let's say we did, and you brought it upstairs, Rick Schultz is going to ask for the same thing and look at this going, you know "you didn't have that" he's gonna say "you know, forget it anyway."

Joe Ferro: Understood, understood. One step at a time though, right?

Chairman E. Conklin: Right. Okay questions? There's an overall plot plan down here. What is this garage gonna look like?

Joe Ferro: Uhm, the intent is to build it more like a barn, and I was going to do a saltbox style, just the single garage door in front.

Chairman E. Conklin: Okay, a gambrel roof.

Joe Ferro: Well, it's a saltbox so we'll have a dormer on the front.

Chairman E. Conklin: Oh, okay so the roof on this is going to go from front to back--

Joe Ferro: Correct.

Chairman E. Conklin: --and not from side to side--

Joe Ferro: Correct.

Chairman E. Conklin: --which is typical on a roof that's sitting that long--

Joe Ferro: Right.

Chairman E. Conklin: --or a building that size. Okay.

Comm. J. Oraziatti: So, that shed is coming out?

Joe Ferro: Yeah, that shed is going. Yes. [talking over each other]

Chairman E. Conklin: The, um, height of the garage door?

Joe Ferro: Seven feet

Chairman E. Conklin: Seven feet?

Joe Ferro: Yeah

Chairman E. Conklin: Uh, no water in the garage?

Joe Ferro: No, sir.

Chairman E. Conklin: No water in the garage. Uh, max height is obviously less than 21 feet which is the standard.

Joe Ferro: It's going to be single story with a with a standard roof on it, I imagine it'll come in around 16 feet.

Chairman E. Conklin: All right. Any further questions?

Linda Adanti: Nope all set.

Chairman E. Conklin: I have to ask--anybody in the audience in favor of this application? Anybody opposed to this application? Okay, any further questions from the board? Okay, being none, , I'll declare this hearing closed.

Joe Ferro: As always, thank you for your time. [talking over each other] Have a good night.

Chairman E. Conklin: You too, thank you.

- - -

Later that evening, during the work session, the Board upon motion by Commissioner Jones and seconded by Commissioner Adanti, unanimously voted that:

#0517-02: "In the application of Joseph Ferro w/BRR Architects of 24 Nicholdale Road, Shelton, for a variance to Section 24.4.12 to reduce the minimum setback from the left side property line from 20 ft. to 8 ft. and a variance to Section 24.4 to reduce the minimum setback from the rear property line from 30 ft. to 14.67 ft. in order to construct a one story, detached, 32'6" x 22'0", wood framed garage with concrete slab.

The application for a variance is approved with stipulations.

Inasmuch as the addition of a garage will enhance the property and be in harmony with the neighborhood.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24.4.12 to reduce the minimum setback from the left side property line from 20 ft. to 8 ft. and a variance to Section 24.4 to reduce the minimum setback from the rear property line from 30 ft. to 14.67 ft. in order to construct a one story, detached, 32'6" x 22'0", wood framed garage with concrete slab. This certificate of approval is contingent on the following stipulations: 1. There shall be no running water in the garage. 2. The garage is for non-commercial usage only. 3. The garage doors shall be no higher than 8 feet.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.

- - -

Commissioner J. Jones:

#0617-01, 1 Waverly Road, Kathleen T. Yolish of 1 Waverly Road, Shelton, for a variance to Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 ft. to 5 ft. in order to construct a 2-car, 24 ft. x 24 ft. detached garage in an R-2 zone.

Chairman E. Conklin: Okay, name and address for the record, please.

Kathleen Yolish: Kathleen Yolish, 1 Waverly Rd, Shelton. Tell him your address.

Chairman E. Conklin: [talking over each other] We have to have all that.

Clerk T. Kelly: Can you just repeat the spelling of your last name?

Kathleen Yolish: Yolish. Y-O-L-I-S-H. Like Polish, only with a Y.

Clerk T. Kelly: Okay.

Kathleen Yolish: I made copies for everyone, they have pictures and letters.

Chairman E. Conklin: Are these all the same?

Kathleen Yolish: Yes, one for everyone. Schoolteacher.

Clerk T. Kelly: Wow.

Kathleen Yolish: Um, I also have the copies of these in there, okay?

Chairman E. Conklin: Yes, I need the originals.

Kathleen Yolish: OK. These are the originals.

Chairman E. Conklin: You can keep those, okay, we just need proof that things were mailed out. Okay, and these have the stamp.

Kathleen Yolish: Yes

Chairman E. Conklin: Because with the last person, he didn't have the stamp. Okay. Tell us what you're trying to do and why you can't make the zoning regulations.

Kathleen Yolish: Okay, uhm I'm trying to, uhm, build a 24' x 24' garage.

Unknown voice: Two-car garage.

Kathleen Yolish: Two car garage and um as you can see in the pictures, up the placards and you can see all of the ledge, and unfortunately when, uhm, our house was built 20 years ago, uhm, when the builder was building our house, he was blasting a lot of the rocks and he damaged the foundation of the house on Nichols Avenue which is next door to us but it's facing Nichols and caused a big crack in the foundation and a lot of uh, fuss. So, uhm what we're trying to do is it's it's it's nearly impossible to, to uhm, to blast this, and uhm additionally when we did, um when we lived in another house, they had blasted across the street--this was in Shelton--and they, all my china and all my all the glass shelves completely--and this was way across the street.

Norman Yolish: We lived on Meadow Lake.

Kathleen Yolish: We lived on Meadow Lake and everything, lost about 10,000 dollars worth of stuff from the blasting damage. So uhm--do you want to give him the blast side? That's what we're--

Norman Yolish: I have the shed and they're gonna move the shed.

Chairman E. Conklin: OK. I have an aerial view of your property here.

Kathleen Yolish: Mm-hmm.

Chairman E. Conklin: Obviously in looking at this though, if you could explain this, looks like the row of trees that is on this picture which would be the, the west side of your property.

Norman Yolish: Right that's on the opposite side.

Chairman E. Conklin: Okay.

Norman Yolish: When we built the house--

Chairman E. Conklin: Are you building more on this side or this side?

Norman Yolish: On this side, here. This house was not here.

Chairman E. Conklin: Okay.

Norman Yolish: So this house--

Chairman E. Conklin: So you're going to--

Norman Yolish: Wait a minute, wait a minute.

Chairman E. Conklin: I'd think that you'd put aside the driveway.

Norman Yolish: This one here, over here. This house was here, this wasn't here when we built.

Chairman E. Conklin: So you are going to put this shed on the west side of the property line?

Norman Yolish: The shed is right here.

Chairman E. Conklin: The extension, I mean the garage.

Norman Yolish: The garage is going here.

Chairman E. Conklin: Where the shed is.

Norman Yolish: Where the shed is and we're going to move the shed back slightly.

Kathleen Yolish: It needs to be moved.

Chairman E. Conklin: What's the elevation of the rise on the property?

Kathleen Yolish: Does that tell you elevation?

Chairman E. Conklin: You don't have any you don't have any good pictures overall, here it is, so this is the back of the shed. We're looking from the at the back of the shed in this picture?

Norman Yolish: That's the back of the shed.

Chairman E. Conklin: So we're looking from, north looking to the south.

Norman Yolish: Right.

Chairman E. Conklin: Okay, at the back of the shed.

Norman Yolish: That's the back of the shed.

Chairman E. Conklin: Okay, and the ledge you're talking about is over to the left-hand side of that.

Norman Yolish: Yes.

Chairman E. Conklin: How close are you coming to that ledge?

Norman Yolish: He's going to come in with some heavy equipment and there's a lot of rock, alongside the shed, alongside--

Chairman E. Conklin: I see loose rock here that can be--

Norman Yolish: Yeah, and he's going to move all that stuff. All that stuff he's going to move. It's alongside this side here so he can fit it in.

Chairman E. Conklin: How wide is this shed right now?

Norman Yolish: Uh, 12 feet. It's a 12-foot by 12-foot shed.

Chairman E. Conklin: So, you're--and how close to the property line right now?

Norman Yolish: Right now, we're let's see, maybe about 7 feet.

Kathleen Yolish: Oh, it's not over the property line?

Norman Yolish: No, it's not over the property line. See where this is?

Chairman E. Conklin: Yeah, don't go by the yellow lines in these maps.

Vice-Chairman P. Cavallaro: No.

Chairman E. Conklin: No, they're just--

Norman Yolish: I got a picture here, if you pick up the red string on the property line. [talking over each other] We ran that up there, the guy who's going to do it, he ran that up. That's the one side.

Chairman E. Conklin: That's the property line he ran it on?

Norman Yolish: Right.

Chairman E. Conklin: I see if you look at this picture, you see it running along the side of this shed.

Vice-Chairman P. Cavallaro: This should almost be an A2 survey.

Chairman E. Conklin: Yeah, really.

Norman Yolish: Correct, that's the side of the shed.

Vice-Chairman P. Cavallaro: That's too close for me.

Chairman E. Conklin: Yeah, I, I--

Vice-Chairman P. Cavallaro: A shed would be one thing, but a permanent--

Chairman E. Conklin: Uhm, I think one of the things we're going to have to require for next month is an A2 survey to be done, in which they are going to show on the survey exactly where the shed is going to be placed.

Norman Yolish: It will be 5 feet away from that--

Chairman E. Conklin: Yeah, but that's, those are not--

Vice-Chairman P. Cavallaro: That's speculative.

Chairman E. Conklin: That's speculative, you wouldn't measure off of. An A2 survey finds a land marker that is physically in the neighborhood and does a survey based upon exactly where it is on the edge of the property. It would show topography of the property, how quickly it rises, where it rises--are you, uh septic, uh city water?

Kathleen Yolish: City water, city sewers.

Chairman E. Conklin: Okay, so you are completely--that's good.

Kathleen Yolish: Is that is that this?

Chairman E. Conklin: What's that?

Norman Yolish: That's a photo--

Chairman E. Conklin: That's a lock screen. And besides that, that doesn't do any good because that has to be submitted as evidence. You don't want us to keep that phone.

Kathleen Yolish: No, Norman will never miss it! It will take him three years before he realizes that he lost it.

Chairman E. Conklin: Yeah, but we have to have that as a record. We have to have something as a record. This, this is a hearing.

Norman Yolish: Right, I understand. OK. Well--

Chairman E. Conklin: And is that A2 survey, that's a stamp survey or did you get that GIS of the city?

Norman Yolish: GIS of the city.

Chairman E. Conklin: Yeah, that has to be a--

Norman Yolish: Oh, we just did what we told so--

Chairman E. Conklin: Yeah, but we can require more. You know if it's coming this close

Norman Yolish: All right

Chairman E. Conklin: Uhm, yeah some of the members are asking for it.

Norman Yolish: Too close to the property line?

Vice-Chairman P. Cavallaro: 5 feet is not a lot of room. It's off by five feet.

Norman Yolish: What's that?

Vice-Chairman P. Cavallaro: I said it happens to be off by 5 feet. You don't want to put a permanent structure that close to the property line and have to move it.

Chairman E. Conklin: Yeah, because someone--we've had this before, that someone planted a row of trees and everybody thinks that's their property line. Come to find out the builder hadn't set it with the property line but looked good, and planted a row of trees there.

Kathleen Yolish: Yeah, yeah we've experienced that and had to move trees.

Chairman E. Conklin: And that's why I'm saying--

Kathleen Yolish: We've done that.

Chairman E. Conklin: You know, just in this aerial map that we have in this city is not a, those yellow lines are just approximation of property, the property and shape.

Kathleen Yolish: Okay.

Chairman E. Conklin: In the meantime though, you want to read those two?

Comm. J. Jones: Sure.

Norman Yolish: See, it has to go further than five feet, further in—

Chairman E. Conklin: Well, we're not saying you do, we're just trying to make sure that--

Kathleen Yolish: I just want to say, those are the first, those two letters are the first letters when we were going to, uh talking about putting up the garage and and he went to each of the neighbors.

Norman Yolish: Right.

Kathleen Yolish: Okay, and then they signed the other two letters that I, so I have actually two letters from each person.

Chairman E. Conklin: Those are, those are letters you supplied in the folder, here?

Kathleen Yolish: I, I supplied two sets of letters. There's a letter from, uh that they dated the end of April beginning of, of May, and then there's uh, then there's another set of letters, uh, the notification letter, uh, dated June 8th. Yeah, on the bottom it says--

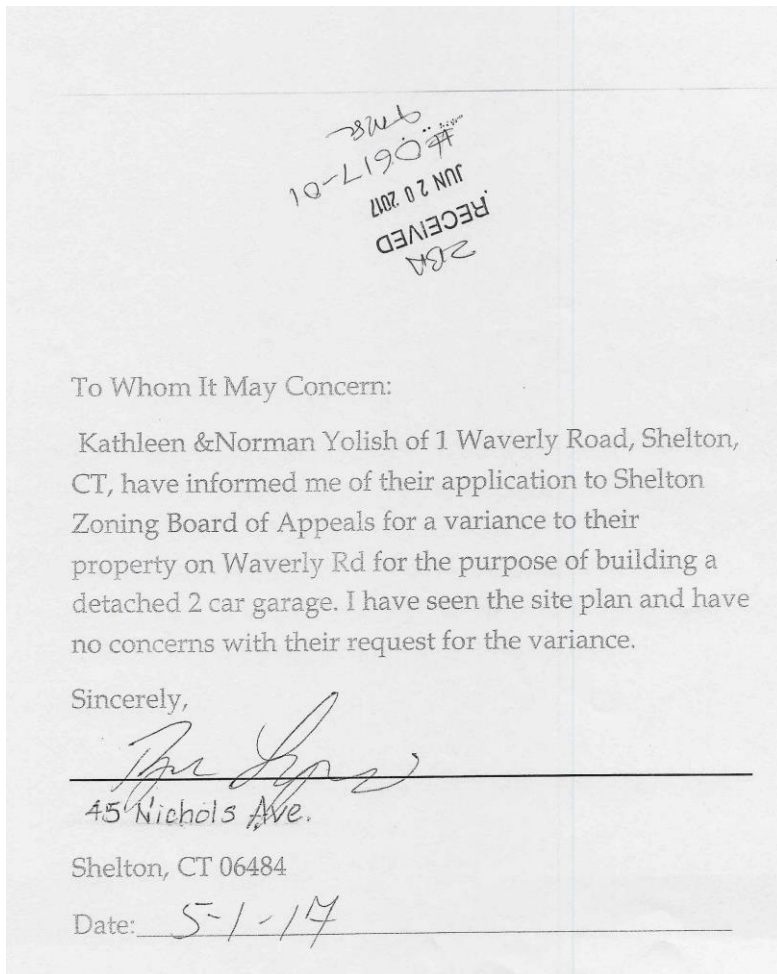
Chairman E. Conklin: Okay you've done that.

Kathleen Yolish: That was when we initially talked about putting up the garage and we went to each of the neighbors. And then this was the official notification letters that I mailed out, certified receipt.

Chairman E. Conklin: Okay.

Comm. J. Jones: Should I read them?

Chairman E. Conklin: Yes please.



Kathleen Yolish: Was it Barry Lifrieri? And then the other one would be Gina--

Comm. J. Orazietti . Jones: This one is signed as 45 Nichols Avenue.

Kathleen Yolish: Oh, okay.

Comm. J. Jones: And the other one there is lif--

Kathleen Yolish: Lifrieri, right.

Comm. J. Jones: Waverly Road.

Chairman E. Conklin: So 45 Nichols Ave is the person east of your house and the 5 is the person to the west of your house. Yeah, as I said, east of your house and west of your house. Yup. This is the GIS map that we have. Okay, questions?

Comm. J. Oraziatti: Okay, so the hardship here is the mound of ledge--I'm pretty familiar with this, my friends are, live in that neighborhood here, right off of Earl Street--so, the hardship here is that ledge, that big mound of ledge on that corner. Otherwise, you could put it anywhere in your backyard.

Kathleen Yolish: Correct.

Norman Yolish: Correct.

Comm. J. Oraziatti: You'd have to blast all that ledge out?

Norman Yolish: Mh-hmm.

Comm. J. Oraziatti: Take it all out. Let's see, let's see, is the entrance to that garage going to be on Earl Street or Waverly?

Kathleen Yolish: Waverly.

Norman Yolish: Waverly.

Chairman E. Conklin: It's the extension of your existing driveway.

Kathleen Yolish: Right, correct .

Chairman E. Conklin: I mean it looks like some of this is soft ledge that can be taken out.

Norman Yolish: Yeah, he can come in with some heavy equipment.

Chairman E. Conklin: Right, and take out the loose edge of it but after that it looks like it's hard.

Norman Yolish: Right.

Kathleen Yolish: It's like a mountain.

Chairman E. Conklin: Okay, all right. At this point we're looking for an A2 survey.

Vice-Chairman P. Cavallaro: A2 survey, that would be critical.

Chairman E. Conklin: Okay? We're finding out where things are existing.

Kathleen Yolish: And, and, and can I can I just ask you, not being familiar with this, where do I get this A2 survey? I'm a teacher! Second grade.

Chairman E. Conklin: Call up, call up a surveyor and—

Vice-Chairman P. Cavallaro: Nowakowski, --

Chairman E. Conklin: Yeah, there's one in Monroe--

Vice-Chairman P. Cavallaro: Tracy Lewis.

Chairman E. Conklin: Tracy Lewis. I'd check with one of those guys because a lot of them have done surveys in the town and one of them might have done something in the area which might cut your cost down, okay? So you know, you can give them a call and see if anybody's done work in the area but those are just two that we--

Kathleen Yolish: Okay, no I was just I just didn't know.

Vice-Chairman P. Cavallaro: Throughout town there's some various concrete markers that are put in years and years ago and that's where they kind of shoot from, those markers, you know it gets really accurate position. If it's this close it's kind of important.

Chairman E. Conklin: They're called benchmarks. They're permanent in, throughout the city.

Kathleen Yolish: And about how long does it take to get, do you know? Oh, it depends on whoever we--

Chairman E. Conklin: Right, and, and, and anybody can get it done within a month--

Kathleen Yolish: Okay.

Chairman E. Conklin: Okay. Anybody can get it done.

Kathleen Yolish: So it doesn't have to be done within, before ten days before?

Chairman E. Conklin: No, no that, that's just before the next meeting.

Kathleen Yolish: Okay.

Vice-Chairman P. Cavallaro: Five feet is a very tough sell for us because it makes it difficult to maintain that building so there's a lot of factors that we have to take into consideration and if this ends up being any less than 5 feet, you know 5 feet is, is a rare occasion for us to approve.

Kathleen Yolish: I understand.

Vice-Chairman P. Cavallaro: I'll tell you upfront. It's an uphill battle.

Kathleen Yolish: How about if I moved it in 5 feet?

Chairman E. Conklin: It would help drastically.

Vice-Chairman P. Cavallaro: Yeah, 10 feet's drastic. I mean that's a big, big difference. I mean you got to think about it, if you're trying to put a ladder up to fix your roof on that side of the building, you got to be able to do it without going on your neighbor's property.

Comm. J. Oraziotti: So, you would, you would hit if you moved it in 5 feet.

Kathleen Yolish: I would hit a tree.

Comm. J. Oraziotti: You'd be in that ledge.

Kathleen Yolish: That, no I didn't say "move it", I said "shrink it."

Comm. J. Oraziotti: Oh, if you shrunk the garage five feet?

Kathleen Yolish: If I shrunk the garage, except that I have no, I have no concept of space unless I actually experience it, you know. I'm one of those hands-on people, so I have to actually witness it.

Chairman E. Conklin: I'd also talk to your contractor and make sure how much of that he can remove. He might be able to remove a little more than he's saying that you know with a little heavy scraping and, which would--

Vice-Chairman P. Cavallaro: Without blasting

Chairman E. Conklin: --without blasting, it'd move you over too.

Kathleen Yolish: Well, he did we asked him already, yeah yeah so we did talk about it so.

Chairman E. Conklin: All right we'll continue this until next month.

Kathleen Yolish: Okay.

Chairman E. Conklin: Okay and I said you'd give the surveyors--one of those two could have surveyed most of this town.

Norman Yolish: Unless he could come in with real heavy equipment excavator and remove some of that rock and then go--

Kathleen Yolish: But they, but they said that they couldn't. We already asked because if that were the case, then we wouldn't need a variance.

Chairman E. Conklin: Or anywhere near as much.

Kathleen Yolish: Right, right so.

Chairman E. Conklin: Okay.

Kathleen Yolish: Okay, thank you very much for your time.

Vice-Chairman P. Cavallaro: Listen to this way, you put two foot three feet, it's all beneficial. So they look at it a second time and say "yeah we could probably squeak another couple of feet out of this rock" that makes a big difference. [talking over each other]

Kathleen Yolish: Thank you very much.

Clerk T. Kelly: OK. Very good.

Comm. J. Oraziatti: One second we're looking for A2 survey with with a sight plan on it?

Chairman E. Conklin: Yes.

Comm. J. Oraziatti: Proposal on it?

Chairman E. Conklin: Proposal where the, where the building is going to be located

Vice-Chairman P. Cavallaro: Right.

Chairman E. Conklin: And you know where your existing structures are, where the building is located on it, and topographical around that area.

Kathleen Yolish: It might be cheaper to move, Norman. [talking over each other] Okay. A2--I have to write this down-- A2 survey with a--

Chairman E. Conklin: They, they know what to do--

Kathleen Yolish: Well, I want to get a specific.

Chairman E. Conklin: A2 has all that.

Kathleen Yolish: Okay so an A2 survey with what?

Comm. J. Oraziotti: With the site plan on it.

Kathleen Yolish: With the site plan on it.

Vice-Chairman P. Cavallaro: With your proposed site, uh, proposed plan on it, with proposed plan locations.

Kathleen Yolish: With proposed home locations. Okay, I'm writing it down. Thank you very much, have a good night.

Chairman E. Conklin: You too. I'll also ask another question. Naugatuck Valley Health, even though you don't have anything, have you been to them?

Kathleen Yolish: For?

Chairman E. Conklin: To check and make sure that it's approved for, to doing this.

Kathleen Yolish: No.

Chairman E. Conklin: Okay just didn't--you should give them a call, just for the heck of it, too. Okay.

Kathleen Yolish: Naugatuck Valley Health?

Chairman E. Conklin: Even though you have city water, city sewer, uh, it's still just to make sure you get approval from them too.

Vice-Chairman P. Cavallaro: One last question. Do you have a garage now?

Kathleen Yolish: Yes

Vice-Chairman P. Cavallaro: One or two car?

Kathleen Yolish: Two.

Norman Yolish: Two.

Vice-Chairman P. Cavallaro: Two car? OK.

Kathleen Yolish: Mm-hmm. Good to go!

Chairman E. Conklin: All right?

Kathleen Yolish: Thank you very much, have a good night. Thank you.

Vice-Chairman P. Cavallaro: Have a good night.

Kathleen Yolish: Thank you, you too.

MINUTES - MAY 16, 2017 HEARING – Chairman E. Conklin requested some format changes be made to the May minutes as presented by the clerk. Approval postponed until July hearing.

Meeting adjourned at 9:10 P.M.

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