

**Agenda:**

- #0617-01**      **1 Waverly Road, Kathleen T. Yolish of 1 Waverly Road, Shelton**
- #0717-01**      **40 Lynne Terrace, Arnold Jones Jr., of 40 Lynne Terrace, Shelton**
- #0717-02**      **51 Church Street, Parcel A, James Guarrera of 23 Old Dairy Lane, Shelton, (Agent for Sophie Gazur)**
- #0717-03**      **51 Church Street, Parcel B, James Guarrera of 23 Old Dairy Lane, Shelton, (Agent for Sophie Gazur)**

Chairman Edmund Conklin: Good evening ladies and gentlemen and welcome to the July meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations and appeals on zoning department decisions and actions. When your application is called please come up 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 are Alternate Commissioner Jim Oraziotti who will be sitting in for Commissioner Bryan Vasser; Clerk Tina Kelly; myself, Ed Conklin; to my right is Jamie Jones; to his right is Phil Cavallaro. Also, tonight we only have 4 members present. On this board, you need 4 affirmative votes to get a positive action. So, if you so desire and think that you might be borderline or if we feel that you might be borderline, we could hold off the vote until the next meeting where there are 5 members and one could read the minutes and this way we could take a vote if you have, if you feel you need the one extra vote. OK? Jamie-

Commissioner Jamie Jones: To whom it may concern: The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday July 18, 2017 at 7:30pm in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.

**#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. (Continued from June hearing)**

We have received a letter dated July 10<sup>th</sup>, 2017. (Reading) "Dear Chairman Conklin and ZBA members, please be advised that we have decided to withdraw our original application for a 5 foot variance to build a 24' by 24' 2 car garage on our property at 1 Waverly Road. Thank you for the time you have put forth in consideration of our application. Sincerely, signed by Kathleen Yolish".

**APPLICATION WITHDRAWN.**

Chairman E. Conklin: OK. Number 2.

Comm. J. Jones:

**#0717-01      40 Lynne Terrace, Arnold Jones Jr., of 40 Lynne Terrace, Shelton, for a variance to Schedule B, Line 7 to reduce the minimum setback from the street line from 40 ft. to 30 ft. in order to construct a porch addition measuring 64 ft. x 7 ft. in an R-1 zone.**

Chairman E. Conklin: OK. Is the applicant here? Please come up to the table. There's maps. Hand these down over there. And these down there. Alright. Name and address for the record, please.

Arnold Jones Jr.: Arnold Jones Jr. 40 Lynne Terrace.

Chairman E. Conklin: Alright. And, uh, OK. You only have the front but we're sort of in need of the whole yard. But we have other (inaudible) here. Can I see those? Alright. These are the return cards. Do you have the stamps? The receipts? Let's see, where's the uh, let's see what you have for neighbors. OK. You have those, yeah. That's what we're

Arnold Jones Jr.: And one (inaudible) the application out there, the neighbor moved so we (inaudible) the records for the new neighbor.

Chairman E. Conklin: OK. These are the receipts I'm really interested in. OK. So, we have these...alright. Can you tell us what you're trying to do and why you can't meet the zoning regulations, please.

Arnold Jones, Jr.: Uh, I'm gonna build a front porch on the front of my house-

Chairman E. Conklin: Sit down, relax. OK.

Arnold Jones, Jr.: Uh, it's going to be the full length of the house and comes out about 7 feet.

Chairman E. Conklin: Alright. Do you have a staircase that it comes out to now?

Arnold Jones, Jr.: I have staircase out in the front of the house, yes.

Chairman E. Conklin: OK. Is that staircase going to be further out from the front of that porch, or is it off to the side, or

Arnold Jones Jr.: Uh, it will be a little further out, yes.

Chairman E. Conklin: OK. This is your house here in this drawing or on his map?

Arnold Jones Jr.: Correct.

Chairman E. Conklin: It shows that and the same as the 40 that you have here. Questions?

Arnold Jones Jr.: Is this?

Chairman E. Conklin: Yeah, this one.

Vice-Chairman P. Cavallaro: Is the variance from the right side of the house to the road where it's the closest?

Arnold Jones Jr.: Correct.

Vice-Chairman P. Cavallaro: So, on the other side

Arnold Jones Jr.: I have plenty of room.

Vice-Chairman P. Cavallaro: Plenty of room. So, it's that one corner only that's hidden.

Chairman E. Conklin: Yeah, this is the map that they supplied.

Vice-Chairman P. Cavallaro: OK

Chairman E. Conklin: OK. It's just, the house is just sitting on the lot

Arnold Jones Jr.: Yeah, on an angle.

Chairman E. Conklin: On an angle, OK. Questions, Jim?

Comm. J. Oraziotti: No, I'm good.

Chairman E. Conklin: OK. And the other side is within the zoning, zoning regulations, correct?

Arnold Jones Jr.: Oh yeah.

Chairman E. Conklin: OK. So, it is just the one corner, that whole length. House served by city water, city sewer?

Arnold Jones Jr.: City sewer.

Chairman E. Conklin: City sewer, OK. And you have a well then?

Chairman E. Conklin: Yes, alright. OK. Any other questions?

Vice-Chairman P. Cavallaro: No, I'm good.

Chairman E. Conklin: OK. Thank you.

Arnold Jones Jr.: OK.

Chairman E. Conklin: You can give those back.

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Later that evening, during the work session, the board upon motion made by Vice-Chairman Cavallaro and seconded by Commissioner Jones unanimously voted that:

**#0717-01** "In the application by Arnold Jones Jr., of 40 Lynne Terrace, Shelton CT 06484, for a variance to Schedule B, Line 7 to reduce the minimum setback from the street line from 40 ft. to 30 ft. in order to construct a porch addition measuring 64 ft. x 7 ft.

The application for a variance is approved.

Inasmuch as the setback from the street and as the resulting porch will be in harmony with the neighborhood. Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Schedule B, Line 7 to reduce the minimum setback from the street line from 40 ft. to 30 ft. in order to construct a porch addition measuring 64 ft. x 7 ft.

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

Comm. J. Jones:

**#0717-02 51 Church Street, Parcel A, James Guarrera of 23 Old Dairy Lane, Shelton, (Agent for Sophie Gazur), for a variance to Section 24, Schedule B, Line 9 to reduce the lot frontage from 115 ft. to 20 ft. and a variance to 24.2 to keep the square on lot from touching the front setback in order to form a free split in an R-2 zone.**

**#0717-03 51 Church Street, Parcel B, James Guarrera of 23 Old Dairy Lane, Shelton, (Agent for Sophie Gazur), for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 ft. to 17 ft. in order to form a free split in an R-2 zone.**

Chairman E. Conklin: Have a seat. Relax.

James Guerrara: James Guerrara, 23 Old Dairy Lane, Shelton.

Chairman E. Conklin: We actually need the receipts yeah, you keep those. These are what's important. OK. You have 3 abutting neighbors, correct? 1, 2, 3, yup, Alright. Pictures?

James Guerrera: Pictures of the property – the first one is showing the placard and then there's front right and rear yard pictures.

Chairman E. Conklin: This right side, which is – you're showing left here.

James Guarrera: Yeah, you're right. Your application calls the left the opposite of (multiple voices) looking out so my rights are lefts and my lefts are rights.

Chairman E. Conklin: So, by this picture this front left is where the driveway is going up, correct?

James Guarrera: Yes.

Chairman E. Conklin: Which is actually on, by our right.

James Guarrera: By your right.

Chairman E. Conklin: You guys need to see those. Pass them down. OK. What's uh,

James Guarrera: The owner of the property is Sophie Gazur. She's presently in an assisted living facility at Split Rock. And she's looking to sell this property. It's an older 2-bedroom ranch with a 2-car attached garage and immediately to the south of this was a very similar property that had a, basically the same split. It was an older home, redone, and had a brand new colonial built in back. So the intention is

Chairman E. Conklin: Oh, there's a house built on this lot right here?

James Guarrera: Yes. Yeah.

Chairman E. Conklin: OK. And this is the 51 which you are re-doing right now and this is the

James Guarrera: Correct. Yeah. Right. This was redone beautifully with an attached garage this way and then a new colonial was built back here about 5 years ago.

Chairman E. Conklin: OK.

James Guarrera: And what they're looking to do is to run this one.

Chairman E. Conklin: Same thing next door.

James Guarrera: Yeah. And then the rear of the lot uh, one of the applications was sent to the Conservation Commission because that's the Little League Baseball Field.

Chairman E. Conklin: Correct. Yes. Shelton American Little League Baseball. Uh, yeah.

Comm. J. Oraziatti: Community Center.

Chairman E. Conklin: Alright. Yeah. Questions Jim?

Comm. J. Oraziatti: No.

Chairman E. Conklin: Phil? Jamie?

Comm. J. Oraziatti: What size is the driveway going up?

James Guarrera: 20 foot access way through, driveway up. And it could go on either side. The builder felt it would be easier to keep it further south rather than when you come around, cars travelling on Huntington Street or coming out of the Community Center, it would be better to put the property, uh the driveway a little bit further south.

Comm. J. Oraziatti: So, it would be up against the other access way?

James Guarrera: Exactly.

Comm. J. Oraziatti: So, it would mirror that

Vice-Chairman P. Cavallaro: So, it's going to encroach the parking or turnaround area of the existing front lot?

James Guarrera: It'll run right along side there. In one of the photographs, there's a pretty good-sized hedgerow right there that will be removed.

Chairman E. Conklin: The reason why I'm trying to look something up in here is because the normal right of ways are 30 feet. And I'm not sure if they get reduced in an R-2 or not. That's why I'm sort of

James Guarrera: Yeah, quite frankly, the Zoning Enforcement Officer filled all of this out, so, um

Chairman E. Conklin: Nothing on this chart with regards to access of rear lot into that. So, we can always do it based upon that as an actual, valid right of way. Make the stipulation that is a valid right of way that you presented to us.

James Guarrera: OK.

Chairman E. Conklin: For that. OK, so is that acceptable? Um, whereabouts is this house – you have this- I don't see the back of this is where you want to (inaudible) it. The reason why – if you show us that we have to keep it-so do you have one that's not (*inaudible; papers rustling loudly*)-

James Guarrera: And the, the field starts this way.

Comm. J. Oraziotti: Almost across from the firehouse, right?

Chairman E. Conklin: Yes, it should be

James Guarrera: Firehouse is directly across the street.

Chairman E. Conklin: Here's the firehouse a little more up here, but yeah. Part of that parking lot, right across from the entrance to Lane Street – crosspiece – (should be able to wind there?)

James Guarrera: And it's an unusual piece in that this parcel all the way along here is not part of the property. It was City of Shelton land but it was, these houses are set pretty far back.

Chairman E. Conklin: That's that bike path now, or roadway, or dirt road-

James Guarrera: Sidewalk, or-

Vice-Chairman P. Cavallaro: Like a service road.

James Guarrera: No that's a little bit further down that uh, that was back in the 1700s. Jamie, help me, it was a conclave or something along those lines (*voices talking over each other*)

Chairman E. Conklin: Alright.

Vice-Chairman P. Cavallaro: City water, city sewer?

James Guarrera: Yes. Even though the house right now has well water, the intention is to hook it up to city water and bring city water in.

Chairman E. Conklin: There would be a stipulation on our part that it have city water and city sewer.

Vice-Chairman P. Cavallaro: You've got to stipulate the front one as well.

Chairman E. Conklin: What's that? We can't do anything that's not part of this

James Guarrera: Sure it is.

Jamie Guarrera: I think the builder or someone hired will do that as well.

Chairman E. Conklin: Oh, it is. OK. We'll stipulate that.

Vice-Chairman P. Cavallaro: Yeah. I would.

Chairman E. Conklin: OK. The only thing I'm worried about is a house being built back there.

James Guarrera: OK.

Chairman E. Conklin: The reason why is that, you know, all of a sudden your kids are playing baseball and all of a sudden, "You're making noise at my house!" Then you have a situation.

James Guarrera: 37 years of real estate – we call that buyer beware! Uh, yeah, the uh,

Chairman E. Conklin: Is this clear across here? I think there's trees on the city side?

James Guarrera: There's a buffer zone and the actual diamond for Little League is way back this way in the far corner.

Chairman E. Conklin: Yeah. I know, yeah. It is. And this is actually left field just about here, or right field I mean.

Comm. J. Oraziotti: Yeah. It's all stonewall.

Chairman E. Conklin: Yeah, it's all trees.

Comm. J. Oraziotti: Buried in there. I used to cut the grass.

Chairman E. Conklin: Any other questions?

Comm. J. Jones: I assume there's a fence that runs around the-

James Guarrera: There's an older style chain-link fence that ran all the way along.

Vice-Chairman P. Cavallaro: Buried in the trees.

James Guarrera: They're not really nice trees either. They're like a shrub-

Chairman E. Conklin: Yeah, it's a real mess. Because I helped rebuild that house back there quite a few years ago when I was involved with the – we tried to do something with that fence but it was so bad, buried in there. Anyhow, city water city sewer, right of way. OK. Any other questions? Any other comments?

Comm. J. Oraziotti: No. Not at all.

Chairman E. Conklin: Put this with the other one. OK. Anyone in favor of this application. Anyone opposed? Being none. I declare the hearing closed.

Vice Chairman P. Cavallaro: Do you want to get that on the record? Call them back up?

Chairman E. Conklin: What's that?

Vice Chairman P. Cavallaro: Call them back up?

Chairman E. Conklin: Yeah, let's get that on the record. Why don't you come back up here for one second cause we did not do something on the record. Place is so empty! Alright. Just want to make sure

that we do this accordingly. Is anybody in favor of this application - 40 Lynne Terrace? Anybody opposed to this application? OK. Being none (inaudible; papers rustling). Make sure it's done. OK. Thanks.

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Later that evening, during the work session, the Board upon motion by Commissioner Orazietti and seconded by Commissioner Jones unanimously voted to approve the variances with stipulations.

**#0717-02** “In the application by James Guarrera of 23 Old Dairy Lane, Shelton CT 06484, (Agent for Sophie Gazur, Owner), for a variance to Section 24, Schedule B, Line 9 to reduce the lot frontage from 115 ft. to 20 ft. and a variance to 24.2 to keep the square on lot from touching the front setback in order to form a free lot split.

The application for a variance is approved.

Inasmuch as the resulting residential lot size is in harmony with the neighborhood. Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 9 to reduce the lot frontage from 115 ft. to 20 ft. and a variance to 24.2 to keep the square on lot from touching the front setback in order to form a free lot split.

This certificate of approval is contingent upon the following stipulations: 1) The existing driveway has a valid, 20 ft. right of way; 2) The property is serviced by city water and city sewers.

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.”

**#0717-03** “In the application by James Guarrera of 23 Old Dairy Lane, Shelton CT 06484, (Agent for Sophie Gazur Owner), for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 ft. to 17 ft. in order to form a free lot split.

The application for a variance is approved.

Inasmuch as the resulting residential lot size is in harmony with the neighborhood.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 ft. to 17 ft. in order to form a free lot split.

This certificate of approval is contingent upon the following stipulation:

1) The property is serviced by city water and city sewers.

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.

MINUTES – Motion made by Commissioner Jones and seconded by Commissioner Orazietti to approve the revised minutes from May 2017 and the minutes from June 2017 (*with 2 corrections per Chairman Conklin*) as presented by the clerk. Motion approved by unanimous vote.

Meeting adjourned at 7:50 P.M.

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