

Shelton Board of Zoning Appeals
Hearing Minutes from Tuesday, November 21, 2017

Agenda:

- #1017-01** **78 Bridgeport Avenue, Daniel Sadowski of 60 Oak Avenue, Shelton (Joseph Volonino, EST, Owner)** *(Continued from October Hearing)*
- #1017-02 &**
#1017-03 &
#1017-04 **261 – 265 Riverview Avenue, Lot 1, Lot 2, and Lot 3, Romano Brothers Builders, LLC, of 6 Frans Way, Shelton.** *(Continued from October Hearing)*
- #1117-01** **25 Elm Street, Meiqing Zhang, of 35 Regan Circle, Shelton.**

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the November 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 tonight's hearing. If you don't have these, we will 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 this Board. Our minutes are transcribed verbatim. Two recorders on the table up here can only record one person speaking at a time. And 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 hallway. Present tonight, are Commissioner James Oraziatti; our clerk, Tina; myself, Ed Conklin; to my right is Commissioner Jamie Jones; to his right is Commissioner Phillip Cavallaro; and to his right is Commissioner Bryan Vasser.

COMMISSIONER JAMIE JONES: To whom it may concern--

VICE-CHAIRMAN P. CAVALLARO: Excuse me, Linda's not even here.

COMM. J. JONES: Oh, copy that.

CHAIRMAN E. CONKLIN: Okay. Okay, uh, Commissioner James Oraziatti, as an alternate, will be sitting in for Commissioner Linda Adanti tonight.

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 November 21, 2017 at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.

#1017-01, 78 Bridgeport Avenue, Daniel Sadowski of 60 Oak Avenue, Shelton (Joseph Volonino, EST, Owner) for a variance in order to construct a Used Dealer and Repair from the DMV in a Commercial Zone. Continued from our October hearing.

CHAIRMAN E. CONKLIN: Is the applicant here? Yeah, please.

CLERK TINA KELLY: This is yours. You're welcome.

CHAIRMAN E. CONKLIN: Continued from last month. Name and address.

DANIEL SADOWSKI: Daniel Sadowski, 78 Bridgeport Avenue, Shelton, Connecticut.

CHAIRMAN E. CONKLIN: Did you say 78 Bridgeport Avenue, or 70--?

CLERK T. KELLY: You live at Oak. You live at Oak--

DANIEL SADOWSKI: You want my address?

CLERK T. KELLY: Yeah.

DANIEL SADOWSKI: Oh, 60 Oak, Shelton, Connecticut--

CLERK T. KELLY: Yes, okay.

CHAIRMAN E. CONKLIN: All right. Couple things we were looking at last month: one was usage of the, uh, property. Uh, second of all, this, this is an estate, correct? Do you own this property?

DANIEL SADOWSKI: No, just leasing it.

CHAIRMAN E. CONKLIN: You're leasing it?

DANIEL SADOWSKI: Yeah.

CHAIRMAN E. CONKLIN: Okay, as far as I know this is, is an estate. You have, you have a signed lease on this property?

DANIEL SADOWSKI: Yes, yeah.

CHAIRMAN E. CONKLIN: Okay. Yeah, just want to make sure.

DANIEL SADOWSKI: I have the parking plan you guys wanted last time.

CHAIRMAN E. CONKLIN: Okay, well we need an overall usage of this property because you have changed your usage and you gave it to us last month--that you're intending on adding usage to this property.

DANIEL SADOWSKI: No, we're just going to keep it at storage and used car dealer and repair.

CHAIRMAN E. CONKLIN: Okay, strictly that building--that's the only usage on this property?

DANIEL SADOWSKI: Yeah.

CHAIRMAN E. CONKLIN: All right. Okay. And, you have, uhm, how many towing vehicles?

DANIEL SADOWSKI: Gonna be one flat bed and one wrecker.

CHAIRMAN E. CONKLIN: Okay, and they both can fit behind this building.

DANIEL SADOWSKI: Yes.

CHAIRMAN E. CONKLIN: OK. Uh, how, how many parking spaces do you have in total then?

DANIEL SADOWSKI: Twenty-six and omitting three.

CHAIRMAN E. CONKLIN: What's that?

DANIEL SADOWSKI: Omitting three and--

CHAIRMAN E. CONKLIN: Which three are you omitting?

DANIEL SADOWSKI: 4, 5, and 7.

CHAIRMAN E. CONKLIN: Four, four, five, and seven. Were they being--why are those being omitted?

DANIEL SADOWSKI: Uh, just so it's easier for a couple to go in and out of--want to open up that area--

CHAIRMAN E. CONKLIN: Okay, so that's one. Now what about 14, 15, 16? Because your tow vehicle is supposed to be kept behind the vehicle--or, uhm, the garage.

DANIEL SADOWSKI: Fourteen will be an employee; fifteen and sixteen are going to be left open for the--

CHAIRMAN E. CONKLIN: So, they aren't parking places?

DANIEL SADOWSKI: No. They're--

CHAIRMAN E. CONKLIN: Okay--

DANIEL SADOWSKI: I guess they're open, yeah.

CHAIRMAN E. CONKLIN: So, you omitted three, four, five out of the twenty-six, so now you have twenty-one parking places, actually.

DANIEL SADOWSKI: Yes. Yeah, twenty, twenty-one.

CHAIRMAN E. CONKLIN: Okay. Uh, where do you normally keep your tow vehicles. Are they kept out in front at all?

DANIEL SADOWSKI: Uh, right now we're working on them, so they're just--

CHAIRMAN E. CONKLIN: Okay, so they're out there just because they're--

DANIEL SADOWSKI: Yeah.

CHAIRMAN E. CONKLIN: Okay. All right. You guys see the plans, or need to see them again, or? *(Inaudible)*

VICE-CHAIRMAN P. CAVALLARO: I didn't see the plans.

COMMISSIONER JAMES ORAZIETTI: How many tow vehicles are you planning on having?

DANIEL SADOWSKI: Two.

COMM. J. ORAZIETTI: And what would they consist of?

DANIEL SADOWSKI: A flatbed and a wrecker.

COMM. J. ORAZIETTI: I frequent that area and, uh, I consistently see more than one flatbed.

DANIEL SADOWSKI: Yeah, we're taking out parts from one of them; one's kind of a junker. There's two junk, but uhm, wrecker and flatbed. But we need to make quickly one of each, good ones.

COMM. J. ORAZIETTI: And how many tow trucks?

DANIEL SADOWSKI: One--no tow trucks, one flatbed and one wrecker.

CHAIRMAN E. CONKLIN: So, right now you're saying you have two for a vehicle and repair, but you have three bays.

DANIEL SADOWSKI: Uh... correct. Uh, for repairs, just to leave, like a car, out in the parking lot, just for--

CHAIRMAN E. CONKLIN: Well, if you have three bays, which means you're going to have three cars waiting to be swapped out, correct?

DANIEL SADOWSKI: Y, yes.

CHAIRMAN E. CONKLIN: Yes.

DANIEL SADOWSKI: Correct, yeah.

CHAIRMAN E. CONKLIN: So, you have three bays, you have three cars that are going to be needed to be swapped out. So, that means you'd need at least six, uh, three parking places at least for cars that are waiting to be repaired.

DANIEL SADOWSKI: Okay.

CHAIRMAN E. CONKLIN: To swap out.

DANIEL SADOWSKI: We'd take one for the, uh, dealer, sale-out--just to make uhm...

CHAIRMAN E. CONKLIN: And then what happens when--let's see how many for customers? *(Inaudible)* Let's see well, one, two... for customers or employees. *(Muffled; voices talking over each other)*

DANIEL SADOWSKI: So, we can use the customers' spots for--

CHAIRMAN E. CONKLIN: Well, we have to come up with the number of vehicles that you could actually sell on the property.

DANIEL SADOWSKI: Okay.

CHAIRMAN E. CONKLIN: So, that's why we need to know how many, how many places, well, how many vehicles, parking places are used for what purpose.

DANIEL SADOWSKI: Okay, uh--

CHAIRMAN E. CONKLIN: And that's the reason why we have to look and see what you're, you have here--because right now you have one, two, three, four, five, six--and right now with this plan--fifteen, sixteen--so you have nine per vehicle sale. And that is eighteen through twenty-six. So, you're saying this whole section is all vehicles for sale, two handicapped, which are restricted use, and you're omitting four--uh, that's four, five, and seven, here for usage--so you have to take vehicles on. Six and eight, uh--let's see, what's three--three is a customer, six is a customer--so those are customer spots. Eight and nine are customer spots. Ten is vehicle repair, eleven is vehicle repair, employee, employee, employee and those are for wrecking and the rest is, that's an employee.

COMM. J. ORAZIETTI: These are for the, these are for the flatbeds?

DANIEL SADOWSKI: Yeah, they extend into behind the building.

COMM. J. ORAZIETTI: Yeah, I know that.

DANIEL SADOWSKI: Yeah.

COMM. J. ORAZIETTI: Yeah, they have the back.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: So, this is uh, so now you're telling me out of the three flatbeds that you have there currently, you're only gonna keep one?

DANIEL SADOWSKI: Yes, one flatbed and one wrecker at the end of, when it's all - 'cause they're all gone; they're going to have to be gone off the property.

COMM. J. ORAZIETTI: Okay, they, they have plates on them?

DANIEL SADOWSKI: No, I can't get plates until those are done.

COMM. J. ORAZIETTI: Okay, so you need two spaces because these aren't spaces. Because a wrecker would have to go over here--the flatbed's gotta go--

DANIEL SADOWSKI: I got them on there as wreckers.

COMM. J. ORAZIETTI: Just wanted to clarify.

COMM. B. VASSER: So, did you pave?

DANIEL SADOWSKI: Uh, no that's just dirt and gravel.

COMM. B. VASSER: So, is this a curb?

DANIEL SADOWSKI: Nah, there's no curb there.

CHAIRMAN E. CONKLIN: No it's flat.

COMM. B. VASSER: Just flat pavement.

DANIEL SADOWSKI: Flat, yeah.

CHAIRMAN E. CONKLIN: There's, behind the building.

COMM. B. VASSER: Oh, I see.

DANIEL SADOWSKI: This extends. This is the end of it. The back.

COMM. B. VASSER: Uhm, Ed, you said there were three bays, because I only see two?

CHAIRMAN E. CONKLIN: Yeah, it's three bays.

DANIEL SADOWSKI: One on the side here, then, and then two.

CHAIRMAN E. CONKLIN: One back there, yeah. Two in front.

COMM. B. VASSER: Over here?

DANIEL SADOWSKI: Yes.

CHAIRMAN E. CONKLIN: Yeah.

COMM. B. VASSER: But that had parking.

COMM. J. ORAZIETTI: I thought at the last meeting you had said you were going to keep the wrecker inside. That's not happening now?

DANIEL SADOWSKI: Well, we could leave it in the back, yeah.

COMM. J. ORAZIETTI: It's basically not going to happen anyway; I know that. I just wanted to know what you were saying.

DANIEL SADOWSKI: I want--whatever--behind the building at least because you guys wanted them out, out of the area, so, at least you know. I could keep them inside in the, the main garage--worst case, right here. But uh, it won't be on the property.

CHAIRMAN E. CONKLIN: So, we don't have a parking place here. We can't have a parking place there because it obstructs that.

DANIEL SADOWSKI: We got to take one out.

VICE-CHAIRMAN P. CAVALLARO: It depends on where the door is.

CHAIRMAN E. CONKLIN: What's that?

VICE-CHAIRMAN P. CAVALLARO: I said it depends where you know that door sits. It could be a part of this one, too.

CHAIRMAN E. CONKLIN: Here's the (*inaudible*); it's all the way back there.

VICE-CHAIRMAN P. CAVALLARO: Yeah.

DANIEL SADOWSKI: Smaller bay.

CHAIRMAN E. CONKLIN: Yeah.

DANIEL SADOWSKI: This probably would take one, one spot.

COMM. J. ORAZIETTI: Basically, you could “x” these all out. You could, you know, put the flatbeds back here, they’re going to have to back in and out. And then this is where the garage door opens. Where’s your employees?

DANIEL SADOWSKI: Over there.

COMM. J. ORAZIETTI: He said right here. They’re not. I know, that’s what I’m saying,

VICE-CHAIRMAN P. CAVALLARO: All thirteen, right? Well, how can you park back there in front of the garage?

DANIEL SADOWSKI: Oh yeah--

VICE-CHAIRMAN P. CAVALLARO: Well, twelve and fourteen, if he, if the door isn’t blocked as well. Right? And then seventeen--

CHAIRMAN E. CONKLIN: Right.

VICE-CHAIRMAN P. CAVALLARO: Seventeen is another one. At least one’s going away if not part of this one. For him to keep both of them, I don’t know where the door’s sits.

CHAIRMAN E. CONKLIN: The door sits at the very end.

VICE-CHAIRMAN P. CAVALLARO: Right?

DANIEL SADOWSKI: Right, yeah.

CHAIRMAN E. CONKLIN: Right.

COMM. J. ORAZIETTI: Could be, that employee could be driving--

CHAIRMAN E. CONKLIN: But you’re saying your primary business, last time is what you told us, was going to be auto repair.

DANIEL SADOWSKI: Yeah.

CHAIRMAN E. CONKLIN: Then why do you have nine space--or, uh--yeah, nine--

DANIEL SADOWSKI: Because you wanted to know how many for sale, I guess it’s like, just in case. I don’t know if down the road--

CHAIRMAN E. CONKLIN: But it can’t be just in case, we have to set a number.

DANIEL SADOWSKI: Yeah, but that’s what, like I want to set a number. Yeah, so, whatever’s left, that can be. Like main, my main, you know, objective is for the repair and so I want all that set up, but the sales is, you know, whatever you guys allow it then. Like, if we need to take out an extra spot or two for sales, that’s not a big deal.

CHAIRMAN E. CONKLIN: Okay.

COMM. J. ORAZIETTI: Ten and eleven are vehicle repair. So, you got two spaces for vehicle repair, three inside. If you move the three outside, you don’t have anywhere to put them.

CHAIRMAN E. CONKLIN: How many employees do you have?

DANIEL SADOWSKI: Right now, just me and my mechanic.

CHAIRMAN E. CONKLIN: Well, how many employees do you plan on having?

DANIEL SADOWSKI: There's one more other guy that's on our lease with us. He's going to be in sales.

CHAIRMAN E. CONKLIN: Well, you have three bays, so you're going to have to have three mechanics. To keep them operational. Plus, a front office person. So, that's at least four, four employees.

DANIEL SADOWSKI: Okay.

CHAIRMAN E. CONKLIN: Okay, to keep it running. So, you need, I don't, and then you're going to need three parking places at--you have three bays for three--you need three at least for the, uh, repair for swapping, at least. And out of this, you eliminate how many places? You can't have that one, that one, at least thirteen. I don't see how you're going to swerve the truck around--well, you might be able--I don't see how you're going to swing the truck--this drops off quickly.

DANIEL SADOWSKI: So,--

CHAIRMAN E. CONKLIN: This area along here is not really usable. So, you're going to have to use fourteen for at least getting a truck out of there.

DANIEL SADOWSKI: There's also this area that drops off here. We could leave a tow truck here. If (*inaudible*) allow that.

CHAIRMAN E. CONKLIN: I'm talking about getting the vehicle out of here. Swinging that vehicle, you know, large flatbed, you're trying to get down a narrow driveway here, and you're between two vehicles.

DANIEL SADOWSKI: Yeah, it's definitely, it's easily doable; it's a big area, it's not--this is the smallest flatbeds, you know, right now we have, like the small, small size.

CHAIRMAN E. CONKLIN: So, I have 10 spaces alone just set aside for vehicle repair and employee. Okay, any other questions?

COMM. B. VASSER: What did we determine about the small building here that?

CHAIRMAN E. CONKLIN: He's not going to use--

DANIEL SADOWSKI: It's gonna be storage.

CHAIRMAN E. CONKLIN: Storage, that's it. That's what we'll designate it as: storage and no other use on the property. All right, any other questions? Okay, any other questions?

VICE-CHAIRMAN P. CAVALLARO: What did you arrive at for the amount of cars?

CHAIRMAN E. CONKLIN: What's that?

VICE-CHAIRMAN P. CAVALLARO: Did you arrive at a number for the vehicles?

CHAIRMAN E. CONKLIN: Well, we'll discuss that during our discussion and then we'll come up with a number, appropriate number for that.

VICE-CHAIRMAN P. CAVALLARO: All right.

CHAIRMAN E. CONKLIN: Okay. All right. Anything else you'd like to add?

DANIEL SADOWSKI: Do you need, uh, the letters?

CHAIRMAN E. CONKLIN: All right. What is that? Okay, is anybody here in favor of this application? Is anybody here opposed to this application? Any other questions from the Board? Being there's no other questions, I declare the hearing closed. All right.

DANIEL SADOWSKI: I'm all set for now?

CHAIRMAN E. CONKLIN: What's that?

DANIEL SADOWSKI: I'm all set for now?

CHAIRMAN E. CONKLIN: You're all set.

Later that evening, the board upon motion made by Commissioner Jones and seconded by Commissioner Adanti unanimously voted to approve the variance with designations.

“In the application by **Daniel Sadowski of 60 Oak Avenue, Shelton, for the property at 78 Bridgeport Avenue, (Joseph Volonino, EST, Owner) Shelton, CT 06484**, to allow the property to be used to conduct a Used Car Dealer and Vehicle Repair business in a Commercial Zone.

The application for a Motor Vehicle usage is approved.

This approval is contingent upon the following designations:

- I. PARKING:** 1) Two parking spaces must be designated as “Handicap Parking Only.” 2) Four parking spaces must be designated for customers. 3) Four parking spaces must be designated for employees. 4) Six parking spaces must be designated for “Used Car Sales.” 5) No more than 6 “For Sale” cars can be parked on the lot at any time. 6) One flat bed truck and one tow truck only can be parked on the premises at any time. 7) The one flat bed truck and the one tow truck must be parked in the rear of the main building when not in use.
- II. OTHER:** The applicant must bring the following to the ZBA Chair for signature: 1) A corrected A-2 survey showing the approved parking and access ways. 2) The form required to be submitted to the Connecticut DMV.

COMM. J. JONES: #1017-02, #1017-03, & #1017-04, 261 – 265 Riverview Avenue, Lot 1, Lot 2, and Lot 3, Romano Brothers Builders, LLC, of 6 Frans Way, Shelton, for a variance to Section 24, R-4, Schedule B, Line 1, Lot Size to reduce the minimum lot area per dwelling unit from 7,500 sq. ft. to 7,000 sq. ft. in order to create a lot line revision for a new lot in an R-4 zone. This is continued from our October hearing.

CHAIRMAN E. CONKLIN: Okay.

TRACY LEWIS: Good evening, I'm Tracy Lewis. My office is at 260 Main Street in Monroe. And Mark...

MARK ROMANO: Mark Romano. 6 Frans Way, Shelton.

TRACY LEWIS: So, I think the last thing we talked about was to, uhm, go up to the engineering office. Uh, and we met with them, and uh, had some input from them. And I also have a letter from Bob Kulacz. Uh, so I have a plan, uhm... so we show a new curve line along Riverview Avenue, uh, which is this penciled line, uh, which kind of comes down and hooks into the catch basin here. And we're going to move this pole back, uh, probably four or five feet. Uh, this existing pole will come back. So, we would, we would widen out--they wanted, they preferred twenty-two feet so at its narrowest spot, it's twenty-two feet, then it gets wider.

CHAIRMAN E. CONKLIN: That's the standard road width. The minimum road width that Shelton wants for a road.

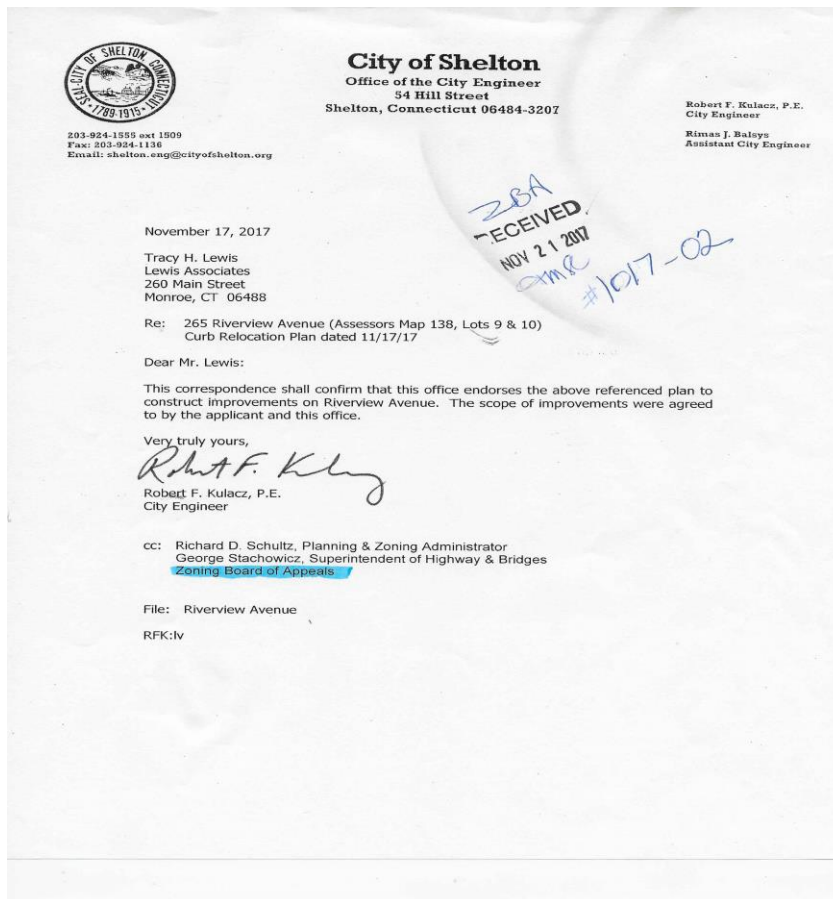
TRACY LEWIS: Well, for this area, it's what he asked.

CHAIRMAN E. CONKLIN: Yeah.

TRACY LEWIS: For the two, the, for the two-way area. Uh, and he wrote a letter--

CHAIRMAN E. CONKLIN: One second, yeah. Jamie, can you read that there?

COMM. J. JONES: (*Comm. Jamie Jones reads in the following letter*):



CHAIRMAN E. CONKLIN: Okay. And this is for the construction as we were talking about: three single-family dwellings on the--

MARK ROMANO: Yes, all are occupied versus--

TRACY LEWIS: Single-family residences--

CHAIRMAN E. CONKLIN: Residences, yes.

MARK ROMANO: Versus two two-families with four families renting. We got three, owner-occupied.

CHAIRMAN E. CONKLIN: And this is what we discussed last month. We would like to see you, you to do some real improvements in front of this, uh, take care of quite a few of the problems. All right.

MARK ROMANO: I just would also like to add, uh, I do live in town. I built a real nice product. In fact, I built, I built the subdivision I live in off of Meadow Street. I'm also building on cleaning up the mess on Wheeler Street, right up the street, the old Shelton Cement. I've built numerous houses; so this would be an improvement, to correct this dilapidated, enormous two-family, to put three individual, owner-occupied, so they're going to keep it beautiful--brand new houses. It'll do nothing but improve the neighborhood.

CHAIRMAN E. CONKLIN: These are all the same, right?

TRACY LEWIS: Those are all the same. I gave you 81. (*Inaudible*)

CHAIRMAN E. CONKLIN: All right, this this, this wide lawn is the old and this is the proposed, is the new, back, back one.

TRACY LEWIS: The new, it's labeled new, proposed new curb.

CHAIRMAN E. CONKLIN: Good.

TRACY LEWIS: You see two lines here. One was the one I put in first, but the second one that curves into the basin is the actual one which is on your plan. It's just this, this line right here.

CHAIRMAN E. CONKLIN: This line here?

TRACY LEWIS: Right there, yeah.

CHAIRMAN E. CONKLIN: And it curves, picks up the water--

TRACY LEWIS: Catches right into the catch-basin, yeah.

CHAIRMAN E. CONKLIN: Twenty-two feet.

TRACY LEWIS: Mh-hmm.

CHAIRMAN E. CONKLIN: Any other alterations done to this plan other than that?

TRACY LEWIS: No.

CHAIRMAN E. CONKLIN: From last time? Okay.

TRACY LEWIS: No, nope.

CHAIRMAN E. CONKLIN: Questions?

COMM. J. JONES: How much wider is the road--how much, it's going to twenty-two feet, but what, do you have the measure of what it was before?

TRACY LEWIS: Uhm, sure. Let's see... so before, at that point, right at that point?

COMM. J. JONES: Yeah.

TRACY LEWIS: So, it was, uhm, let's see, let's, what's the--scale. So, it was about, uh, uh, let's see 15 feet.

COMM. J. JONES: So, you're adding seven, seven feet.

TRACY LEWIS: Seven feet, approximately, yes.

COMM. J. JONES: So, that's only, yeah--so you're not altering, nothing's changing with the island?

TRACY LEWIS: There's not much you can do with that; it's rough. (*Muffled; voices talking over each other*) It's a one-way, yeah. It's a one-way travel.

CHAIRMAN E. CONKLIN: Right, because I had met with Bob Kulacz and he said he was working with you gentlemen in trying to approve something.

TRACY LEWIS: Yeah.

CHAIRMAN E. CONKLIN: And I saw him last--the end of last week and he said that you guys came to a resolution of how to improve the road, too. And that's what he said, he says, you know you can't ask more, more than what the minimum standard is in Shelton.

TRACY LEWIS: Right.

CHAIRMAN E. CONKLIN: He says, you know, you're meeting that for this, in this area.

COMM. J. JONES: Should help with the drainage, too.

TRACY LEWIS: There's only one driveway that goes in, in after this. This, only this house. This driveway is here. There's no other driveways.

VICE-CHAIRMAN P. CAVALLARO: Is there going to be garages?

MARK ROMANO: Yes.

TRACY LEWIS: Garages, yes. Two-car garage.

CHAIRMAN E. CONKLIN: So, they're all set back at least twenty-something feet from the road.

TRACY LEWIS: Yeah, they're at the, they're at the correct setback. We're not asking for any variances for side border or any of that.

CHAIRMAN E. CONKLIN: They're all two-car, they're all two-car garages?

TRACY LEWIS: Two-car garages, yes.

MARK ROMANO: Yes. Two-car width on the driveway, also.

CHAIRMAN E. CONKLIN: Okay.

TRACY LEWIS: There shouldn't be any reason for anybody that buys these homes to park in the road. There shouldn't be any reason for that.

CHAIRMAN E. CONKLIN: Okay. Any other questions? Okay. And you've worked this out with the utility company for moving the, the pole?

MARK ROMANO: We don't see a problem--

CHAIRMAN E. CONKLIN: Okay.

MARK ROMANO: Because we're just moving it back. Ideally, we'd like to move it to the property line, but that's up to the UI company.

CHAIRMAN E. CONKLIN: Okay.

TRACY LEWIS: You know, it'd be nice to put the pole back here.

MARK ROMANO: Yeah, we do have the distance. They like to stay 150 feet max.

CHAIRMAN E. CONKLIN: Yeah.

MARK ROMANO: We're right, right there so, we'd like to move it to the--

CHAIRMAN E. CONKLIN: To there.

MARK ROMANO: Yeah, but with something that big--

CHAIRMAN E. CONKLIN: Yeah.

MARK ROMANO: They kind of work at a snail's pace.

CHAIRMAN E. CONKLIN: Any other discussions? Okay. All right. Uh, is anybody in favor of this application? Okay, opposed? If people want to talk, come up to the table.

STEPHANIE DELLELIO: Hi, Stephanie Dellelio.

CHAIRMAN E. CONKLIN: Why don't you have that seat right there, please.

STEPHANIE DELLELIO: 896 Howe Avenue. Uh, I know the Board knows of what requirements are needed for variance. I don't have to go through the regs., but basically they come down to three elements. The first is, uh, the property cannot be reasonably developed for any permitted use within the district. Uh, that's not true here, the property can be developed for permanent use. Uh, secondly, the exceptional difficulty or undue hardship element--that's completely lacking here for the reasons I stated last time we were on the record. Uh, there's no exceptional difficulty or unusual hardship. And, uhm, Mr. Romano essentially admitted last time we were here that it was for profit. Uh, and lastly maybe the revised plan may have been approved by the engineer, uh. I still think it's horrendous to put three homes in this very narrow area, uh, certainly that's the public safety. They can't get the fire engine in there, again all the things that we discussed at the last hearing. And, uh, I will rely on what I said last time, but again, I don't think the first two elements have been met certainly the third may have been addressed, but it hasn't been satisfied. Uh, that's it for me. *(Muffled; voices talking in the background)*

CHAIRMAN E. CONKLIN: If you want to speak, you have to come up here. Give your name and address so we can hear you, please.

JUDY NICHOLS: My name's Judy Nichols. I live at 275 Riverview Avenue in Shelton. I pretty much said everything that I was going to say the last time--that the road is very congested. It's very narrow, especially both sides of that island. Uh, people have--tow trucks have dangled off the island. Uhm, and we've, all the neighbors, had to go out and, get that, get the tow truck out of there. Uhm, uh plows don't want to come down there and then up, the garbage people, or the people that pick up the trash and recycle, during the winter months--since the plow can't get down there--the recycle people aren't getting down there either. It's a constant, constant, constant battle. And we've been doing it for years.

CHAIRMAN E. CONKLIN: So, you just against the single-family houses? You're okay if they build the two, two-family?

JUDY NICHOLS: If that's the, the, the less houses, I mean, you know, if they have a driveway and they park in their driveway, I can't, I really can't say anything to that.

COMM. B. VASSER: Well, if there's four families there, there's going to be more cars, more people.

MARK ROMANO: Versus three.

COMM. B. VASSER: I mean, you know.

JUDY NICHOLS: I mean, if that's going to--

COMM. B. VASSER: I mean, if you're worried about congestion, then you'd, the three is, then three families is better than four.

VICE-CHAIRMAN P. CAVALLARO: Four gives you eight cars automatically. Whereas three gives you six.

JUDY NICHOLS: Not necessarily, and I've, I don't want to see one-family houses in there, I don't.

CHAIRMAN E. CONKLIN: Okay, thank you.

JUDY NICHOLS: If he wants to do the two two-family houses then so be it. Thank you.

PETER JANKAUKAS: Peter Jankauskas. 248 Riverview Avenue. Uh, like people before me, I would prefer two-family, two homes on that property because it is a busy street, it's narrow. It's tough in the winter. Uh, just the garbage cans and the recycles alone is a problem, finding a place to put them. So, they pick up on one side of the street. And I don't see a hardship case here of building two here instead of the three.

CHAIRMAN E. CONKLIN: Okay. Is that it, okay? All right. Anybody else? Okay, thank you. All right, any other comments from the board? Any questions?

VICE-CHAIRMAN P. CAVALLARO: What was the--because I wasn't here last month--the two-family homes, were they going to be duplexes or rental?

MARK ROMANO: Rental.

VICE-CHAIRMAN P. CAVALLARO: So, up and down?

MARK ROMANO: Yeah. I would just leave this, obvious--for obviously good reason--put some perfume on it, but this would be new.

COMM. J. JONES: And you would not do the road improvements if you just--

CHAIRMAN E. CONKLIN: He's under no obligation--

MARK ROMANO: I would do, like I said, I live three minutes from this project. In all my years of real estate, this is the best use for a neighborhood: single-family, owner-occupied house versus four renting families. There's gonna be fights, there's gonna be--talk about garbage cans--they're gonna be. I have two-families now in Shelton and it's--not just Shelton--but renting families are sometimes very difficult.

COMM. B. VASSER: And by making this change, you're taking a house that's almost a foot off the road out of the equation, right?

TRACY LEWIS: Right, it's going to come back and it's going to be all in the setbacks.

CHAIRMAN E. CONKLIN: Okay. Any other discussion? Okay? I'm going to keep this set of plans and the revised one. And I declare the hearing closed.

MARK ROMANO: Thank you.

TRACY LEWIS: Thank you.

VICE-CHAIRMAN P. CAVALLARO: Are we closing the hearing?

CHAIRMAN E. CONKLIN: Yeah, I declare the hearing closed.

- - -
Later that evening, the board upon motion made by Commissioner Adanti and seconded by Commissioner Vasser to voted to approve the variance by a vote of 4 to 1 with stipulations.

“In the application of **Romano Brothers Builders, LLC, of 6 Frans Way, Shelton, for the property at 261 – 265 Riverview Avenue, Shelton, CT, 06484**, for a variance to Section 24, R-4, Schedule B, Line 1, Lot Size to reduce the minimum lot area per dwelling unit from 7,500 sq. ft. to 7,000 sq. ft. in order to create a lot line revision for a new lot.

The application for a variance is approved.

Inasmuch as a safety hazard and non-conformity is being eliminated; Romano Brothers Builders, LLC will improve the road and reduce congestion by relocating the utility pole and widening the road; and the construction of each of the three homes will include a 2-car garage which will help keep the number of cars parked on the street to a minimum.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, R-4, Schedule B, Line 1, Lot Size to reduce the minimum lot area per dwelling unit from 7,500 sq. ft. to 7,000 sq. ft. in order to create a lot line revision for a new lot.

This certificate is contingent upon the following stipulations: 1) The existing home on the property will be demolished in order to: comply with the minimum setback requirement and eliminate that existing non-conformance; eliminate a safety hazard; and eliminate a snow removal hazard. 2) Romano Brothers Builders, LLC, at their expense will relocate the utility pole in front of their property and widen the road as worked out with the City of Shelton Engineering Department and as specified on the plans submitted to the Zoning Board of Appeals at the hearing on November 21, 2017.

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.

COMM. J. JONES: #1117-01, 25 Elm Street, Meiqing Zhang, of 35 Regan Circle, Shelton, for a variance to Schedule B, Line 8 to reduce the minimum setback from the rear property line from 25 ft. to 12 ft. in order to allow for the use of an exterior open staircase to access the third floor of a 3-story, 2-family dwelling in an R-4 zone.

CHAIRMAN E. CONKLIN: Is the applicant here? Name and address for the record please?

MEIQUING ZHANG: My name is Meiqing Zhang, 25 Elm Street. (*Heavy accent; indiscernible*)

CHAIRMAN E. CONKLIN: OK. Do you have uhm, pictures of the property?

MEIQUING ZHANG: Yes, I have them.

CHAIRMAN E. CONKLIN: Do you have the mailing to your neighbors?

MEIQUING ZHANG: Yes, I did.

CHAIRMAN E. CONKLIN: What's today's date?

CLERK T. KELLY: The 21st.

CHAIRMAN E. CONKLIN: OK. These were only mailed out 4 days ago.

MEIQUING ZHANG: Yeah, but I posted it for 14.

CHAIRMAN E. CONKLIN: What's that?

MEIQUING ZHANG: I posted for 14.

CHAIRMAN E. CONKLIN: Yeah, but these have to be mailed out 10 days in advance.

MEIQUING ZHANG: (*Indiscernible*) In the mail, comes in the mail. I saw it in the Post (*unclear*).

CHAIRMAN E. CONKLIN: To your what?

MEIQUING ZHANG: I caught it in the Post.

CHAIRMAN E. CONKLIN: You're tell...you're,

MEIQUING ZHANG: (*Indiscernible*) You send the mail by the post? It's coming to my home.

CHAIRMAN E. CONKLIN: Yes, but this is telling me the date you mailed it out.

MEIQUING ZHANG: Yeah, the date was this past Saturday, last Saturday.

CHAIRMAN E. CONKLIN: Right. And that had to be mailed out ten days in advance.

MEIQUING ZHANG: Yeah, but I just get it. So, I got it in the mail and the city had it in the mail for the page for the Post.

COMM. B. VASSER: The posting is the posting and the mail is the mail. They're two different things.

MEIQUING ZHANG: Ah. I was waiting for the Post and then I get it for the mail. I didn't know what date was my meeting date.

COMM. B. VASSER: Well. The meeting dates are posted online. Am I right, Ed?

CHAIRMAN E. CONKLIN: Yes. All right. I know there's quite a few things going on here. We got people here. What's that?

COMM. J. JONES: Should we just not close it?

CHAIRMAN E. CONKLIN: Well, yeah, we're going to – I'm going to make you re-send this out for next month. We're going to continue this hearing because we have people waiting to speak on this. They need to talk on this. But to continue to next month, you have to re-send out your mailings to the neighbors.

MEIQUING ZHANG: So, I need to send it again?

CHAIRMAN E. CONKLIN: Yes. Yes. Ten days in advance. Tell us what you're trying to do and why you can't meet the regulations.

MEIQUING ZHANG: Yes. I have this here. (*Unclear*) This is (*indiscernible*) here. One in the second floor, the deck of the third floor.

CHAIRMAN E. CONKLIN: Okay. Now, this is a multi-family house?

MEIQUING ZHANG: Two-family house.

CHAIRMAN E. CONKLIN: Two-family house. Okay. These are legal two-families?

MEIQUING ZHANG: Yes.

CHAIRMAN E. CONKLIN: You have a Certificate of Occupancy for both of them?

MEIQUING ZHANG: Yeah, (*unclear but sounds like the following*): because I drop both of them in the lot and this year in the mail, which the closing is, for two-family.

CHAIRMAN E. CONKLIN: What do you mean dropped it in the mail?

MEIQUING ZHANG: Uh, we had a, in the list here in May, in May.

CHAIRMAN E. CONKLIN: But you have a legal zoning certificate from Planning and Zoning in this city?

MEIQUING ZHANG: For what? For,

CHAIRMAN E. CONKLIN: For a two-family.

MEIQUING ZHANG: I have no idea. I didn't go through that yet. I think so, for two-family for-- I can get that.

CHAIRMAN E. CONKLIN: Well, you have to have that before you can call it a two-family.

MEIQUING ZHANG: Oh.

CHAIRMAN E. CONKLIN: That's to start with.

MEIQUING ZHANG: I think they wrote that down here.

CHAIRMAN E. CONKLIN: So, what's that?

MEIQUING ZHANG: I think they wrote that down right here, two-family.

CHAIRMAN E. CONKLIN: Well, that's what you told them to write down.

MEIQUING ZHANG: Oh, okay.

CHAIRMAN E. CONKLIN: This is your application. This isn't their application. This is your application.

MEIQUING ZHANG: Oh, okay. So, I'll ask for the paper for the two-family.

CHAIRMAN E. CONKLIN: Okay. So, this is not even a legal two-family then, because you don't have a Certificate of Zoning Compliance for this two-family then.

MEIQUING ZHANG: I think there is a (*indiscernible*)--

VICE-CHAIRMAN P. CAVALLARO: How many electric meters on the house?

MEIQUING ZHANG: Two.

CHAIRMAN E. CONKLIN: Yeah, how did you get....

VICE-CHAIRMAN P. CAVALLARO: Well, maybe it

(Muffled; voices talking over each other)

CHAIRMAN E. CONKLIN: We'll find out later. Okay. And where, and this is the structure that you're trying to put where, on the, you've already built?

MEIQUING ZHANG: Yeah.

CHAIRMAN E. CONKLIN: Correct?

MEIQUING ZHANG: Yeah.

CHAIRMAN E. CONKLIN: So, this has already been built?

MEIQUING ZHANG: Yeah.

CHAIRMAN E. CONKLIN: So, you built it without any approvals from Zoning or from the Zoning Board of Appeals?

MEIQUING ZHANG: Yeah.

CHAIRMAN E. CONKLIN: Also, and you got a Building Permit to build this?

MEIQUING ZHANG: No.

CHAIRMAN E. CONKLIN: There's no Building Permit, no Certificate of Compliance for a two-family house. Okay. There are problems with trying to even, I mean, there's many things that needed to go on before this, before you should be here. All right.

VICE-CHAIRMAN P. CAVALLARO: What's the address for this again?

CHAIRMAN E. CONKLIN: It's 25 Elm. It's on the corner of Elm and Cliff.

VICE-CHAIRMAN P. CAVALLARO: Behind St. Joe's?

CHAIRMAN E. CONKLIN: Yeah.

(Voices talking over each other quietly; inaudible)

CHAIRMAN E. CONKLIN: One of the other things that Planning and Zoning has instituted that all structures of this sort, now have to have permits to build them for the building departments, because they're finding more and more of them that have not been constructed correctly. No footings, things of that nature. All right.

VICE-CHAIRMAN P. CAVALLARO: Was that an existing two-story porch that you built up and over it?

CHAIRMAN E. CONKLIN: Was there any porch there originally?

MEIQUING ZHANG: Not here, but over here.

VICE-CHAIRMAN P. CAVALLARO: That was here? And you built this up and over it? Well, what kind of footings are under this thing?

COMM. J. JONES: Who built it?

MEIQUING ZHANG: The names are in there. Joe. Joseph.

CHAIRMAN E. CONKLIN: All right. Any other questions?

COMM. B. VASSER: Do you own a restaurant?

MEIQUING ZHANG: Yeah.

COMM. B. VASSER: I can't. I've done work for him.

CHAIRMAN E. CONKLIN: You've done work for him?

COMM. B. VASSER: I thought he looked familiar.

CHAIRMAN E. CONKLIN: Okay. You want to recuse yourself?

COMM. B. VASSER: Yes.

CHAIRMAN E. CONKLIN: All right. Why don't you step back there. Okay, Linda, you're part of this and Jim, you're part of this. Okay?

COMM. L. ADANTI: Yeah. May I see the pictures, please?

CHAIRMAN E. CONKLIN: Yeah. I'll come, we'll come back. Linda and Jim, we're going to come back. I'm going to move it along a little bit. All right?

COMM. J. ORAZIETTI: Yes.

CHAIRMAN E. CONKLIN: Okay. Anybody in favor of this application? Anybody in favor? Anybody opposed to this application? Yes, please. Name and address for the record please.

JASON PERILLO: Jason Perillo, 454 Coram Avenue in Shelton.

CHAIRMAN E. CONKLIN: Okay.

JASON PERILLO: I've read, the purpose of this and I understand it regards the setback for the staircase that was built without any permits at all. But in reality, it actually goes far beyond that. I don't know if it's reflected in any photos at all, but uh, in addition to that staircase that didn't have permits, the entire yard has been paved which is also a violation of the Standards and Uses, Schedule B. I believe it's Item 12. In addition to that the sidewalk was paved with asphalt without permission from the city engineer. That is a violation of City Ordinance 14.9. And I've heard multiple times, two units, two units, two units. The city's electrical inspector went in and clearly identified that this has been converted to a three unit. Clearly identified. The stairway is built to the third floor. They are multiple – two points of egress – out of the first floor and the second floor. Why would the gentleman need a stairway to the third floor if they were not intending to build a third unit on the third floor? With all due respect to the gentleman and we know each other, this is, in my opinion, a bait and switch. No permits pulled at all – Building Department, P & Z, etc. etc. etc. And if it looks like a duck and quacks like a duck, the chances are it's a duck. And it's the old better to ask forgiveness than permission. I understand it's in the back of the house and I'm not an abutting property owner, but I can see it from my properly-constructed, properly-permitted, second-story porch. And as a guy who has been in this neighborhood for ten years, and takes pride in what he does with his house and does everything right, and spends money and time on landscaping to try and make downtown look a little bit better, when stuff like this happens, what does it say to guys like me? And I'm not alone. There are other people trying to keep up their yards downtown. Certain Commissioners have seen that and understand that. So, when things like this happen, it really impacts the fabric of the downtown neighborhoods. And, if there's ever been a time when we're trying to revitalize downtown neighborhoods, this is it. I don't want to belabor that. I just, I did want to mention though that this, this goes beyond just the setback and honestly, just goes, quite frankly, goes beyond the letter of the regulations and the letter of the ordinances. This has a practical, personal impact on the quality of life and the folks like me quite frankly, who are trying to make downtown a better place. And you know, again, with all due respect, I would speak against the application.

CHAIRMAN E. CONKLIN: Okay. Thank you. Rick?

UNKNOWN VOICE: Uh, Mr. Perillo, would you please stay up there?


CHAIRMAN E. CONKLIN: Okay.

P & Z ADMINISTRATOR RICK SCHULTZ: Good evening. Rick Schultz, Planning and Zoning Administrator. Before I get into the memorandum that I prepared on behalf of the Planning and Zoning Commission, I just want to advise this Board that we are seeing new interest in downtown with property ownership. With that, we're seeing improvements, as Mr. Perillo said, but we're also seeing the newer owners looking to expand floor area, in particular the attic space. That equates to more rental. Now, as the Chairman indicated, my department loosely allowed open stairwells to be reconstructed, constructed, and repaired. Because that was the attitude of our office, because these were the remainders of the prior owners downtown and we didn't want to

create any problems. But they weren't erecting stairwells that were going to the attic space and bringing attention to the abutting owners and various departments. I just wanted to give you an overview of what is happening. Because of that, our zoning regulations have to be amended. But what my commission did was to adopt a policy that was put into legal so it's all legal. My commission can adopt policies to direct the office to do appropriate activities. I, as the department head, saw the need to immediately change the policy of the office for open stairwell structures. When you enclose them, it's clearly a structure. But like I indicated earlier, the open stairwells have been loosely allowed as a right to zoning, but you had to still get a building permit because as you discussed what about the footings, what about the lag bolts, etc. So, now we are here tonight – I'm giving you an explanation of what's going on with my department and unfortunately what has transpired here.

CLERK T. KELLY: Excuse me, Mr. Chairman, I need to change the tapes.

P&Z ADMINISTRATOR R. SCHULTZ: Okay. If you could follow me with the memorandum. It's dated November 17, and addressed to Mr. Conklin, Chairman. (*Rick Schultz reads the following memorandum*):


203-924-1555 Ext 1510
Fax: 203-924-6980
Email: r.schultz@cityofshelton.org

City of Shelton
Office of Planning and Zoning
54 Hill Street
Shelton, Connecticut 06484-3207

MEMORANDUM

To: Ed Conklin, Chairman
Board of Zoning Appeals

From: Richard D. Schultz, Planning and Zoning Administrator *RDS*

Date: November 17, 2009

Re: ZBA Application #1117-01: 25 Elm Street

*ZBA RECEIVED
NOV 21 2007
1117-01 RDS*

Richard D. Schultz, AICP
Planning and Zoning Administrator
Ext. 1361

Thomas Dingle
Asst. P and Z Administrator
Zoning Enforcement Officer
Ext. 1351

Fred Wills
Zoning Enforcement Officer
Ext. 1320

The Shelton Planning and Zoning Commission at their November 14, 2007 meeting received and discussed pending ZBA Application #1117-01 for an existing exterior open stairwell accessing the third floor of a two family dwelling located at 25 Elm Street. After discussion and review, the Commission voted to recommend denial of Application #1117-01.

The recommended denial is based on the following:

1. The subject property is located in a Residence R-4 District and allows multi-family dwellings. The existing two family is pre-existing nonconforming. A three family dwelling is not permitted on this site.
2. The property owner, when he initially visited the Zoning Department to discuss the open stairwell accessing the second and unfinished third floor attic space, was advised by Staff to obtain a Building Permit before the construction of the open stairwell. At the time, the Planning and Zoning Dept. Policy did not require the issuance of a Zoning Permit. Subsequent to this decision the Planning and Zoning Commission adopted a Policy requiring a Zoning Permit for all exterior stairwells. A copy was sent to the Zoning Board of Appeals.
3. The subject property was inspected by Staff and determined the property owner did not obtain a Building Permit and was issued a Notice of Violation by the Zoning Dept.
4. The Building Official was requested to inspect the open stairwell and determined that he was unable to confirm if the structure was built to code. A structural engineer would have to be hired to inspect the structure and submit their report to the Building Official before any official decision would be made.

5. Subsequent to the Building Official's inspection, the Housing Code Enforcement Officer inspected the property on 11/17/17 and found illegal electrical work for the conversion to a three (3) family dwelling. This was reported to both the Building Official and Zoning Staff.
6. No hardship has been shown.

The Planning and Zoning Commission is quite concerned with alterations to existing multi-family dwellings located in the downtown area including the conversion of unfinished attic space into illegal apartment units. Together with the new Office Policy and the forthcoming zoning regulations, these illegal conversions will cease to exist.

ZBA
RECEIVED
NOV 21 2017
1117-01
JMS

Note: P&Z Administrator Rick Schultz interjected the following during the reading of the above memorandum: "This is exactly what we want to avoid. All this work was done and it impacts the neighborhood and obviously, the property owners before your Board, looking for a remedy."



CITY OF SHELTON
HOUSING DEPARTMENT
54 HILL STREET, SHELTON, CT 06484
KEVIN LANTOWSKY – HOUSING CODE OFFICIAL

ZBA
RECEIVED
NOV 21 2017
1117-01
JMS

RE: 25 Elm Street/53 Cliff Street

The above referenced property owner's real estate agent contacted the Housing Department for a Housing Certificate of Occupancy prior to leasing it. The house is located at the corner of Elm Street and Cliff Street with each unit using an address on a different street. Upon inspection it was found that the two (2) family house had been remodeled and added to in order to be used as a three (3) family house.

I have found a number of code violations including:

1. A lack of Smoke Detectors
2. A lack of Carbon Monoxide Detectors
3. Open ductwork between apartments
4. A lack of GFI protected electrical outlets at counters and near water sources
5. Electrical outlets not properly covered
6. A lack of proper egress from bedrooms
7. Inadequate head room at doors and stairs
8. Improperly supported new stairs to the third floor with new roof over it.

It appears that that Carpentry, Structural, Plumbing, Electrical and Roofing work were done without permits or inspections.

It also appears that the new pavement of almost the entire yard, an attempt at making a driveway cut to Elm Street and an addition to the structure for the third-floor stairs was not done with Zoning or Engineering Approvals.

I have withheld the Housing Certificate until such time as the Owner shows proper approvals and the violations are rectified.

Kevin Lantowsky

Rick Schultz

From: Rimas Balsys
Sent: Tuesday, November 21, 2017 2:45 PM
To: George Stachowicz; Brian Roach
Cc: Kevin Lantowsky; Rick Schultz
Subject: 25 Elm St/53 Cliff St
Attachments: 20171121_134611.jpg

Gentlemen;

The house at the corner of Cliff & Elm streets commonly know as 25 Elm St/53 Cliff St recently paved the entire area around the house and added a "driveway apron" to the street side of the stone curb. All of this work was performed without any permits or inspections from the Engineering Department. If this poor excuse of a "driveway apron" is allowed to remain, it will impede the flow of water (it's a relatively flat stretch) to the catch basin located at the intersection of the aforementioned street and create a icing situation. Please schedule a crew to remove this "apron" as visible in the attached photo as soon as possible. The use of a pick or two should be sufficient.

Thank you!

Rimas J. Balsys

Rimas J. Balsys
Assistant City Engineer
City of Shelton
54 Hill Street
Shelton, Ct. 06484
(203)924-1555 x-1368

ZBA
RECEIVED
NOV 21 2017
1117 - 01
JMS

From: rimasb [mailto:rimasb@aol.com]
Sent: Tuesday, November 21, 2017 2:34 PM
To: Rimas Balsys <r.balsys@cityofshelton.org>
Subject:

Sent from my Star Trek based Galaxy 8s+.

P&Z ADMINISTRATOR R. SCHULTZ: You can read it at your convenience. But it's important that you have that. So, now we have a situation where we didn't have a policy in place to get a zoning permit. But the Building Permit was not obtained. The building official cannot determine if it complies. There's a good chance, even if you approved the variance, the variances, the structure may have to come down. And secondly, inside work has taken place without the proper electrical permits. And thirdly, not to muddle everything, but as Mr. Perillo indicated, they did work on the sidewalk and pavement in the front lawn area. We have a regulation that does not allow you to pave more than 50%. Many years ago, onsite parking was being asked by multi-family owners, but the commission didn't want to see a sea of asphalt. So, they came up with that provision – no more than 50%. So, essentially, there's three violations going on: the open, exterior stairwell, inside work that was done, and thirdly, the pavement on the property. So, there's a lot going on here. I just hope that the applicant finds a way to come and talk to my department and see what he can do on his own, without forcing you to make a decision. But clearly my commission wants to see the structure go away. But, if he pursues it, obviously this Board has to make a determination. But I hope he finds it his wisdom to make these violations go away before a Land Use Board has to make a decision. That's the best way to do it. And it's a difficult thing. And we don't like to see this happen because our job is to assist the property owners. We're here to help everyone. But I explained what's going on downtown with our multi-families. It's new blood buying it. They're seeing the attic space as an opportunity to expand floor

area. Some of them would like to convert to three-family. In most cases, it can't be done unless they receive a variance from your Board. And then we have these stairwells. My commission would rather see enclosed stairwells. So, you got a lot of issues going on here. And we are going to amend our regulations – that's one of them. And it will be a structure no matter what. But we're looking to make it a mandate that it's enclosed. We want it to look like part of the house. And you saw the photos of the stairwell. You got the older one and then the piggy-back one. So,

CHAIRMAN E. CONKLIN: Have they been in contact with you at all, to try and work this out?

P&Z ADMINISTRATOR R. SCHULTZ: Not work it out. They wanted to see what would happen tonight. If there was any opposition from the neighborhood and see where it would go. But it really spiraled out and uh, but my department is here to help. And I hope we could be--

CHAIRMAN E. CONKLIN: Well, that's one reason why I look at the dates to make sure the neighborhood has been advised and it was only mailed out four days ago. It's got to be mailed out ten days in advance. So, we have to probably continue this to next month just because, for that reason, so the applicants, uh, neighbors have a chance to respond.

VICE-CHAIRMAN P. CAVALLARO: I'm also inclined to, not want to proliferate the violations by issuing some sort of reason that they short-circuited – I think Rick is right. I think these violations need to be corrected before we look at something like this.

CHAIRMAN E. CONKLIN: Right, well that's--

VICE-CHAIRMAN P. CAVALLARO: So, I don't know if even, a continuance is necessary. I don't think it's even a proper application at this point because of the circumstances surrounding it.

P&Z ADMINISTRATOR R. SCHULTZ: Well, I will have done my job if the applicant withdraws this application. But, I can't make him do that. Only this Board can. Especially, if you go into the legal aspect of it. That's what I'm trying to avoid. But, it's going to be a difficult ride and the applicant has to deal with it.

CHAIRMAN E. CONKLIN: Right. What direction are you willing to take at this time? What's that?

VICE-CHAIRMAN P. CAVALLARO: He has to put his name on the record.

CHAIRMAN E. CONKLIN: Yeah. He wants to talk to him.

(Inaudible; applicant whispering to companion at the table for a few minutes)

UNKNOWN VOICE: It seems as if he does not understand something. Can you explain it to him?

CHAIRMAN E. CONKLIN: Explain what?

UNKNOWN VOICE: He is not very good at English.

CHAIRMAN E. CONKLIN: Okay.

UNKNOWN VOICE: So, can you explain it so he can understand?

CHAIRMAN E. CONKLIN: What details?

P&Z ADMINISTRATOR R. SCHULTZ: Mr. Chairman, I think if they take this report home and digest it -

CHAIRMAN E. CONKLIN: Yeah.

P&Z ADMINISTRATOR R. SCHULTZ: They may need legal counsel too.

CHAIRMAN E. CONKLIN: Name and address for the record please.

UNKNOWN VOICE: Okay.

CHAIRMAN E. CONKLIN: Excuse me, you have to give your name and address, name and address because you spoke.

UNKNOWN VOICE: Okay. Do I have to give my last name, also?

CHAIRMAN E. CONKLIN: Yes.

HAOWN CHEN: Haown.

CLERK T. KELLY: Could you spell that please?

HAOWN CHEN: H, A, O.

CLERK T. KELLY: H, A, O?

HAOWN CHEN: Yes. W, N.

CLERK T. KELLY: W, N.

HAOWN CHEN: And last name Chen.

CLERK T. KELLY: OK, you have to spell that please.

HAOWN CHEN: Last name CHEN, C, H, E, N.

VICE-CHAIRMAN P. CAVALLARO: Chen.

CLERK T. KELLY: Oh, I gotcha. Sorry. And your address?

HAOWN CHEN: 35 Regan Circle.

CLERK T. KELLY: 35 what circle?

HAOWN CHEN: Regan.

CLERK T. KELLY: OK. Got it. Thank you.

CHAIRMAN E. CONKLIN: Can't read this. All right. Did he get a copy?

MEIQUING ZHANG: Yeah, I got a copy. I got a copy.

CHAIRMAN E. CONKLIN: Okay. Would you like to have your lawyer look at those?

MEIQUING ZHANG: I saw it here. It says three permit. But this says only two permit. I don't want to put up three permit. I never did this for three permit.

CHAIRMAN E. CONKLIN: Well, why is the porch going all the way to the attic?

MEIQUING ZHANG: That is because you see the picture over there? Over here. This is a second kitchen here on the third floor. Another going higher--

P&Z ADMINISTRATOR R. SCHULTZ: Many of the older homes, Rick Schultz speaking. The internal stairwells that are steep and very narrow that don't meet the code. So, you either have to reconstruct that whole area where the stairwell goes to make it to code. Or, do an exterior stairwell which he did.

VICE-CHAIRMAN P. CAVALLARO: But wouldn't it still require a second egress?

P&Z ADMINISTRATOR R. SCHULTZ: Yes.

COMM. L. ADANTI: Where would that second egress be?

VICE-CHAIRMAN P. CAVALLARO: Well, the existing one which doesn't meet code.

COMM. L. ADANTI: Pardon me?

VICE-CHAIRMAN P. CAVALLARO: The existing interior one, that's sharp and steep, it doesn't meet code.

COMM. L. ADANTI: Okay.

P&Z ADMINISTRATOR R. SCHULTZ: There are many issues going on here. And like I said the best way is for the applicant to digest it as best he can and then come to my office. But he ultimately has to make a decision, which direction he's going to go.

CHAIRMAN E. CONKLIN: Cause, essentially what he's saying is if we approve this we're going around Planning and Zoning and giving a way -

VICE-CHAIRMAN P. CAVALLARO: And if we deny it, he's lost, because he can't come back for the same thing.

COMM. L. ADANTI: Withdraw, withdraw is the best thing.

CHAIRMAN E. CONKLIN: What's that?

VICE-CHAIRMAN P. CAVALLARO: If we deny this now, there's no recourse.

CHAIRMAN E. CONKLIN: Deny it without prejudice.

VICE-CHAIRMAN P. CAVALLARO: Right.

CHAIRMAN E. CONKLIN: Until he straightens it out.

P&Z ADMINISTRATOR R. SCHULTZ: But he's got an illegal structure. He's got to have it removed.

COMM. J. ORAZIETTI: What exactly is the hardship here? To the stairwell, being there, being non-conforming. What is it?

CHAIRMAN E. CONKLIN: Well, he's doesn't – he needed a Building Permit, he doesn't have one. He didn't go for a Building Permit, he didn't go for -

VICE-CHAIRMAN P. CAVALLARO: That's not a hardship. The hardship – why does he even need a staircase?

CHAIRMAN E. CONKLIN: Right. Yes.

VICE-CHAIRMAN P. CAVALLARO: That, that's--

CHAIRMAN E. CONKLIN: All right.

P&Z ADMINISTRATOR R. SCHULTZ: There's a lot of issues going on here.

COMM. J. ORAZIETTI: That's not. That's not our purvue.

CHAIRMAN E. CONKLIN: Anybody else opposed to this application? Okay.

P&Z ADMINISTRATOR R. SCHULTZ: I'll make myself available. Okay?

CHAIRMAN E. CONKLIN: Okay.

P&Z ADMINISTRATOR R. SCHULTZ: And I'll keep in touch with the Chairman.

CHAIRMAN E. CONKLIN: Okay.

P&Z ADMINISTRATOR R. SCHULTZ: So, you're going to keep it open, huh?

COMM. J. JONES: I think you, I think you should just so he has the opportunity to speak.

CHAIRMAN E. CONKLIN: Yeah, we got to leave it open for another month so he has an opportunity.

P&Z ADMINISTRATOR R. SCHULTZ: And he's got to do the re-posting?

CHAIRMAN E. CONKLIN: What's that? He's got to do the re-posting.

COMM. J. JONES: It's either he going to do the re-posting or he's going to decide to withdraw, and this will give him some time--

CHAIRMAN E. CONKLIN: Right. He's got to, *(voices talking over each other)*--we've got to force the issue.

COMM. J. JONES: Yeah.

CHAIRMAN E. CONKLIN: I'm sorry, it got to be, it has to be left open because the neighbors have to have an opportunity regardless. So, this will be continued to next month. Okay.

MEIQUING ZHANG: So, I watch the Post in Connecticut and another type of mail out.

CHAIRMAN E. CONKLIN: Mail out, yes. You have to mail out and let them know that there's a meeting on the third Tuesday of next month.

P&Z ADMINISTRATOR R. SCHULTZ: And that raises another question, Mr. Chairman, because of the holidays, for December. Have you thought about the date or is it locked in for the third Tuesday?

CHAIRMAN E. CONKLIN: It's locked in for the third Tuesday.

P&Z ADMINISTRATOR R. SCHULTZ: Okay.

CHAIRMAN E. CONKLIN: We've already scheduled all of our meetings.

COMM. J. ORAZIETTI: Can I ask you a question, Mr. Chairman?

CHAIRMAN E. CONKLIN: Sure.

COMM. J. ORAZIETTI: In the meantime, the building has to remain unoccupied.

P&Z ADMINISTRATOR R. SCHULTZ: That's right.

CHAIRMAN E. CONKLIN: Yes.

COMM. J. ORAZIETTI: Just as long, just as long as everybody totally understands that, this--

CHAIRMAN E. CONKLIN: Right. I mean that's a zoning issue, you--

P&Z ADMINISTRATOR R. SCHULTZ: With the housing code, when you have multi-families, you have to get a Certificate of Occupancy, every time you occupy a dwelling unit that is two-family or larger.

COMM. L. ADANTI: Every time someone rents, a new renter,

P&Z ADMINISTRATOR R. SCHULTZ: A two-family or larger. You will read the housing codes, the inspector's report--the applicant's real estate agent requested an inspection.

COMM. J. ORAZIETTI: But, I just want to make that perfectly clear so that -- can you translate that to -- is that your dad?

HAOWN CHEN: Yes.

COMM. J. ORAZIETTI: Can you translate that to your dad, so he's perfectly understanding that, that has to be--because,

HAOWN CHEN: Okay.

COMM. J. ORAZIETTI: Because obviously he's not familiar with a lot of housing codes.

CHAIRMAN E. CONKLIN: Right.

COMM. J. ORAZIETTI: Okay, because we have a lot of issues here so I want you to tell him that the house is to remain empty.

CHAIRMAN E. CONKLIN: Do you have a listing of rental, and what you need to do to rent -- is there anything in Planning and Zoning for that to give the people?

P&Z ADMINISTRATOR R. SCHULTZ: The housing code. He just has to go to the inspector.

CHAIRMAN E. CONKLIN: Okay.

P&Z ADMINISTRATOR R. SCHULTZ: I'm going to coordinate all that.

CHAIRMAN E. CONKLIN: Okay.

MEIQUING ZHANG: The first floor I have people renting there. Because of when we, we get the house, I get (*indiscernible*) of first floor. I don't touch anything, right now. Second floor, I have renting, but uh, you see that here. I have a lot of paper for (*indiscernible*).

P&Z ADMINISTRATOR R. SCHULTZ: Well, you're on notice now so you got to get to

MEIQUING ZHANG: Well I don't touch anything.

P&Z ADMINISTRATOR R. SCHULTZ: The city's on notice so I got to tell the Building Department now.

COMM. J. ORAZIETTI: Well, this is, I mean, obviously there's so many discrepancies in here that, somewhere along the line, the permitting issue was not conveyed.

MEIQUING ZHANG: Yeah, but we, in 2017, in May, I just closing the house. So, the second, the first floor was just (*indiscernible*) and for the second floor, so I brought a customer in. Then we, had the second floor and third floor, I do the (*indiscernible*) later.

CHAIRMAN E. CONKLIN: Okay.

MEIQUING ZHANG: Yeah, and the deck, I do later.

CHAIRMAN E. CONKLIN: Okay, so you have to coordinate with them and you'll be back here next month. See if you can work out something and then come back here.

MEIQUING ZHANG: Yeah, I look into it.

CHAIRMAN E. CONKLIN: And we'll have to, we'll go from there.

HAOWN CHEN: All right.

MEIQUING ZHANG: Okay.

CHAIRMAN E. CONKLIN: All right? We'll continue this until next month.

MEIQUING ZHANG: Thank you.

CHAIRMAN E. CONKLIN: You're welcome.

CLERK T. KELLY: Okay.

P&Z ADMINISTRATOR R. SCHULTZ: If I don't see you until the next year, I will have done my job. No, really. Because (*inaudible, rustling of papers*) we have to deal with this. That attic space – the real estate people are looking at that attic space – how do you get to it?

CHAIRMAN E. CONKLIN: Okay. Thank you. You can come back!

- - -
HEARING CONTINUED TO DECEMBER MEETING
- - -

MINUTES – Motion made by Commissioner Vassar and seconded by Chairman Conklin to approve the minutes of October 17, 2017 as presented by the clerk. Motion approved by unanimous vote.

Meeting adjourned at approximately 9:45 P.M.

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