

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, June 17, 2014 at 7:30pm

AGENDA:

- #414-3 Ben Perry at 80 Perry Hill Road, Lot 1-1
- #414-4 Ben Perry at 80 Perry Hill Road, Lot 1-2
- #614-1 John Fitzpatrick at 157 Thoreau Drive
- #614-2 Vern Krill at 27 Weybossett Street
- #614-3 Harold & Debra Fichtel at 19 Hurd Street
- #614-4 S&G of Shelton, LLC at Thompson Street, Map 108, Parcel 26 (proposed Lot 1)
- #614-5 S&G of Shelton, LLC at Thompson Street, Map 108, Parcel 26 (proposed Lot 2)
- #614-6 Frank & Maria Rodi at 148 Princeton Drive
- #614-7 John & Cora Blanck at 77 Dimon Road
- #614-8 Thomas Cribbins at 20 Todd Road
- #614-9 Dennis DellaGioia at 14 Longview Road
- #614-10 Marcus Pattock at 10 Windy Acres Drive
- #614-11 Krzysztof Puchlik at 15 Ann Avenue

Mr. Glover: Welcome to the June meeting of the Shelton Zoning Board of Appeals. If you are in possession of a cell phone please either mute it or turn it off. Yeah nobody likes to sit in front. We have a reasonably long agenda tonight so we are going to go as quickly as possible. These are public hearings. Everybody will get a chance to speak at the proper time. If you can't hear what's going on at any time feel free to come up closer to the table. We don't use the microphone because we have to look at maps, pictures, and other exhibits and we can't do that if you are over there and we are over here. So if you have an interest in a hearing don't be afraid to come up closer so that you can hear what's going on. With me tonight us tonight to my left is Linda Adotti, to her right is Lori Michalak,, I'm Gerry Glover, to my right is Jamie Jones, followed by Ed Conklin, followed by Phil Cavallaro. Our regulations require that you have posted your property with a yellow sign that you have received, that you bring with you four pictures of the property tonight that you bring in proof that you have notified your abutting neighbors by certified mail. Those are all requirements and if you have complied with all those requirements we'll go on tonight and if not we'll continue your hearing to some time in the future. OK.

#414-3 80 Perry Hill Road, Lot 1-1, Ben Perry of 689 Long Hill Avenue, Shelton, CT is seeking to waive Section 24, Schedule B, Standards 1, 3 and 12 by varying the minimum lot area from 40,000 sq. ft. to 16,887 sq. ft., square on the lot from 150 ft. to 88 ft., and maximum impervious coverage from 30% to 38%; and Section 5.25 by varying the minimum buildable area with sewer from 30,000 sq. ft. to 13,253 sq. ft. for the creation of a new lot with an existing single family house.

#414-4 80 Perry Hill Road, Lot 1-2, Ben Perry of 689 Long Hill Avenue, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 4 by varying the minimum lot frontage from 135 ft. to 20 ft. and Section 24.2 by varying the location of square on the lot from 40 ft. to 140 ft. to create a new lot with an existing structure.

Mr. Glover: Alright these are 2 different applications but we're going to treat them at the same time because it's the using the same parcel.

Mr. Perry: yes

Mr. Glover: you're splitting a parcel.

Mr. Perry: Correct

Mr. Glover: So rather than have 2 hearings which would be repetitive, e we'll do one at the same time. Please give your name and address for the record.

Mr. Perry: Benjamin Perry 689 Long Hill Avenue, Shelton, CT

Mr. Lewis: Tracy Lewis, Lewis Associates, a licensed land surveyor, 260 Main Street, Monroe Ct

Mr. Glover: and Mr. Perry do you have some receipts?

Mr. Perry: Yes

Mr. Glover: Are these your abutting neighbors?

Mr. Perry: Yes, correct.

Mr. Glover: Are these all of your abutting neighbors?

Mr. Perry: Yes they are.

Mr. Glover: You have two.

Mr. Perry: Two for each.

Mr. Glover: And do you have some pictures please

Mr. Perry: Yes

Mr. Glover: Ok Ben, tell us what you want to do and why you can't comply to the zoning regulations

Mr. Perry: Trace I'll let you talk

Mr. Lewis: Well the lot is an existing fairly rectangular lot, R-1, it is just up from the Perry Hill School across the street from the Highland Golf Course. It has a large house in the back. Stone structure which is, which is really you know good size and a single family residence in the front, so we we're asking to be able to split the two, the two buildings so that each would have their own lot. Both lots will have frontage on Perry Hill Road and we've asked for a few of the variances, Lot 1-2 is the back or the piece in the rear, requires the least variance with the, with a frontage variance. Lot 1-1 we listed the variances, variance for that. There will be an access-way where the driveway is now. I'll say that everything here is pretty much constructed. Ben's been, you know he can explain that more, but working on the project a little bit, most of this is you know already constructed. We showed some proposed driveways, but some of that has been done already. There's city sewers, city water,

Mr. Perry: Well water

Mr. Lewis: oh, well water and city sewers

Mr. Glover: Is there one well or two?

Mr. Perry: There's 2 wells I actually just (can't hear) I had this, as you remember the application a couple months back had gone through and I withdrew without prejudice, basically, this is what I was told to come back with separating both of them and it was a little more conducive what you guys may have been looking for, so this is the plan we had come up with.

Mr. Glover: So what you're creating is a rear lot

Mr. Perry: Correct

Mr. Glover: Correct?

Mr. Perry: Yes. The pre-existing structure, the barn, it was the pre-existing structure is the barn roughly 2400 square feet per floor there was 3 floors pre-existing, the front house 2150 square feet that was pre-existing, it was part of the Block estate which was the, more or less the farm for that particular area at the time.

Mr. Glover: So the the back was really a barn, a structure that's more like a barn than a residence

Mr. Perry: Correct, yes but

Mr. Glover: The last time you were here you were thinking about putting 2 apartments in there

Mr. Perry: Yes

Mr. Glover: This time you're putting one

Mr. Perry: One apartment actually and I believe Commissioner Conklin had asked me last time and the guy got clarification from actually a gentleman up the street, at one time it did house people there was stalls and a rest room in there for people who had to stay overnight so

Mr. Glover: So both structures are existing or have been existing

Mr. Perry: Yes, since the early

Mr. Lewis: For a number of years

Mr. Glover: it's a little bit of a change in use for the one in the back

Mr. Perry: yes

Mr. Glover: but the front, the one in the front has always been a residence

Mr. Perry: Yes

Mr. Glover: And you have enough frontage on the one in the front, you have just taken some of the frontage from the front to give access to the back

Mr. Perry: That's correct

Mr. Glover: And did you just make the well for the back piece

Mr. Perry: No, the back well was always existing actually that had the back well was existing for a long time they used to have a, they had a tank on the ground it was probably a 2500 gallon tank on the ground they used to use it for actually when it was a slaughter house they needed a good amount of water, you know, I guess to take care of their needs

Mr. Glover: So the new well is in the front

Mr. Perry: Correct

Mr. Lewis: The new well is right up in front here

Mr. Glover: Is there no, no city water on that street

Mr. Perry: The city water is down the street, up the street and across the street, and so it's a little

Mr. Lewis: Even with all the new construction on Perry Hill they didn't put water in there

Mr. Glover: It's an R-1 zone?

Mr. Lewis: Correct

Mr. Glover: So you're, on one of them you are going from 40,000 to 16,887

Mr. Perry: (unclear) the front house yep

Mr. Glover: and square on the lot from 150 to 88, but you do have the proper frontage?

Mr. Perry: yes

Mr. Glover: Correct? How long has the building existed?

Mr. Perry: I believe the back barn, from my understanding was the mid to early, mid-thirties or early forties. The front home I want to say was around the 10, 10 to 20

Mr. Glover: Does the board have any questions or comments?

Mr. Conklin: Where is the setback line from the road?

Mr. Perry: the front setback is here

Mr. Conklin: from the street though, it's supposed to be 40 feet back?

Mr. Perry: They did construction on Perry Hill years ago, when they made Perry Hill wider and what they did was the way it came down the road, they actually took property away from certain pieces and extended onto different pieces. The gentleman down below me actually used to look at the golf course and now he's looking at a thirty foot, thirty foot embankment in front of his house, so there was there was considerable work done by the city to reconstruct that road

Mr. Conklin: So right now the house is sitting only 27.2 feet away from the road

Mr. Lewis: Yeah, that's, yeah that's existing.

Mr. Glover: That's pre-existing

Mr. Lewis: we're not asking for anything on that

Mr. Conklin: Doesn't it have to be included even though it's pre-existing?

Mr. Glover: No, if it's pre-existing you don't have to apply for it, it's there, it's done

Mr. Perry: Yeah, I think the house was constructed somewhere around 1910. So that, the existing, that house, there was nothing done to the footprint of that house. That was the existing structure that was there, it was just renovated

Mr. Glover: what what will you do with the size of that structure in the back I mean there's, that's a huge structure?

Mr. Perry: Thinking about moving there

Mr. Glover: You're thinking about moving there

Mr. Perry: Yeah, on the top floor, yes

Mr. Glover: penthouse

Mr. Perry: Yeah, it's going to be in excess of anywhere from 1500 to 1700 square feet on the top floor with the dormers

Mr. Jones: What's, what's going on with this property, is this

Mr. Perry: That's owned by Kathleen and Eric Demarco. That's actually two parcels.

Mr. Glover: What's the acreage of the Demarco property?

Mr. Perry: 14.5 acres I believe, somewhere in that area

Mr. Glover: Do you know how much frontage they have

Mr. Perry: Actually I may um, they have 2 narrow pieces, 2 short frontage but it goes narrow, different one, no I do not have it with me. No I do have it with me

Mr. Lewis: If you're asking more than the minimum, it's more

Mr. Glover: it's more than the minimum frontage

Mr. Lewis: Yeah I would assume, yeah

Mr. Glover: Topographically it goes

Mr. Lewis: It goes awful steep, yeah

Mr. Lewis: Well that's one, that's one of the reasons we have a driveway in this this, in the easement in the front

Mr. Perry: And they were all, they're preexisting, these driveways have been there since before I bought the

Mr. Glover: No, I understand that, but you've got 14 acres next door to you and we don't know what's what might happen over there

Mr. Perry: The parcel here is the Demarco piece which is actually an R-1 zone. The property directly next door is another Demarco that is a R-1/R-2 zone

Mr. Glover: but it has be an R-1,

Mr. Perry: I understand

Mr. Glover: It has been considered an R-1

Mr. Perry: The golf course is an R-3 zone. Within 500 yards of that is an R-4 zone. So it's kind of, it's a mish mash of pieces up there, it's a transitional area so it's, I mean down the street there's multi families, there's

Mr. Glover: so it's kind of a unique zone within 3 or 4 other zones

Mr. Perry: Absolutely, because this is basically the tail end of an R-1 zone

Mr. Glover: Alright, so what you're saying is across the street from this is an R-3 zone

Mr. Perry: R-3 zone the golf course, Highland Golf Course

Mr. Glover: The house next door to it is a combination R-1/R-2

Mr. Perry: Nope, it's

Mr. Glover: This one is R-1 and then

Mr. Perry: R-1, the next one is split R-1/R-2

Mr. Glover: and downhill, is it R-1?

Mr. Perry: Downhill is R-3 one side of the street, and the other side of the street is R-4

Mr. Glover: ok

Mr. Perry: Which is literally maybe 6 houses away going down where Perry Hill School I, the old Perry Hill School which is the 5/6 grade, two, two down from there on the left hand side is R-4

Mr. Glover: what was your yield of the well?

Mr. Perry: Actually both of them worked out very well, the front well went down 320 feet with 20 gallons per minute

Mr. Glover: ok so you have plenty of water

Mr. Perry: Plenty of water, the back well actually had pounded down deeper is a gallon and a half per minute at 180, I went down to 310 and that's yielding the same amount

Mr. Glover: Okay, you have plenty of water

Mr. Perry: Yeah, plenty of water

Mr. Glover: and there's 2, there were will be 2 sewer hook ups

Mr. Perry: Yes

Mr. Glover: Any other questions from the Board?

Mr. Cavallaro: And what are you going to put on top of that

Mr. Perry: Nothing

Mr. Cavallaro: Just roof?

Mr. Perry: That's, that's all that's there

Mr. Glover: Alright is there anyone in the room who is in favor of this application? (no response) Jamie, would you read a

Mr. Jones: Sure, uh

Mr. Perry: I'm sorry to cut you off, last time we were here the other notes that I had from all the neighbors in the neighborhood actually that signed the petition for, there were 36 signatures

Mr. Glover: we just threw them all away

Mr. Perry: Alright, thank you (laughter)

Mr. Glover: Remember that withdrawn, withdrawn application?

Mr. Perry: Yes sir, yes I do

Mr. Glover: did you bring them back with you?

Mr. Perry: In my car, no

Mr. Jones read letter:


94 Perry Hill Road
Shelton, CT 06484
June 13, 2014


RECEIVED
JUN 17 2014
ZBA Application # 44-3-4

Shelton Zoning Board of Appeals
Shelton City Hall
54 Hill Street
Shelton, CT 06484

We wanted to write this letter to let the board know that we have no opposition to the application for variances at 80 Perry Hill Road. Mr. Perry is asking for a change to the minimum lot area, minimum dimension of square, minimum impervious coverage, buildable with public sewer and minimum lot frontage. We own 94 & 88 Perry Hill Road and live at 94 Perry Hill. Please feel free to contact either of us with any additional questions if needed. 203 924 8548

Thank you


Eric DeMarco
Date: 6/15/14


Kathleen M. DeMarco
Date: 6/15/14

Mr. Glover: Thank you Jamie. Is there anyone in this hall who is in opposition to this application? (no response)
Anybody opposed to it? (no response) Nobody's rushing, any final questions from the Board? (no) Comments from the Board? (no) Linda?

Ms. Adanti: No, I'm all set

Mr. Glover: Then I will declare the hearing closed thank you

Mr. Perry: Thank you very much, I appreciate your time

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

#414-3 "In the application of Ben Perry of 689 Long Hill Avenue, Shelton, CT, for a certificate of approval to create a new lot with an existing single family house to be located on the property of S&G of Shelton, LLC, at 80 Perry Hill Road, Lot 1-1, R-1 zone, and which requires reductions in the minimum lot area, minimum square on the lot, an increase in maximum impervious coverage and a reduction in minimum building area with sewer,

The application for variances is approved.

Inasmuch as the total parcel of land is significantly larger than other parcels in the neighborhood; and

Inasmuch as testimony indicated there was more than enough water output from the well; and

Inasmuch as testimony indicated a variety of different zones in the area including R-3 across the street from the parcel,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum lot area from 40,000 sq. ft. to 16,887 sq. ft., minimum square on the lot from 150 ft. to 88 ft., an increase in maximum impervious coverage from 30% to 38%, and a reduction in minimum buildable area with sewer from 30,000 sq. ft. to 13,253 sq. ft. at the above is granted (Section 24, Schedule B, Standards 1, 3 and 12 and Section 5.25) in this instance.

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."

#414-4 "In the application of Ben Perry of 689 Long Hill Avenue, Shelton, CT, for a certificate of approval to create a new lot with an existing structure to be located on the property of S&G of Shelton, LLC, at 80 Perry Hill Road, Lot 1-2, R-1 zone, and which requires reductions in the minimum lot frontage and location of square on the lot,

The application for variances is approved.

Inasmuch as the total parcel of land is significantly larger than other parcels in the neighborhood; and

Inasmuch as testimony indicated there was more than enough water output from the well; and

Inasmuch as testimony indicated a variety of different zones in the area including R-3 across the street from the parcel,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum lot frontage from 135 ft. to 20 ft. and location of square on the lot from 40 ft. to 140 ft. at the above is granted (Section 24, Schedule B, Standard 4 and Section 24.2) in this instance.

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."

#614-1 137 Thoreau Drive, John Fitzpatrick of 137 Thoreau Drive, Shelton, CT is seeking to waive Section 24.12.1 by varying the maximum square footage from 750 sq. ft. to 900 sq. ft. and Section 24, Schedule B, Standard 8 by varying the minimum setback from the rear property line from 30 ft. to 19 ft. and Section 24.12 to have steel fabricated material for a 30'x30'x20' pole barn (detached garage).

Mr. Glover: Good Evening

Mr. Fitzpatrick: Good Evening

Mr. Glover: Would you please give your names and address for the record

Mr. Fitzpatrick: John Fitzpatrick, 137 Thoreau Drive

Mrs. Fitzpatrick: Jill Fitzpatrick, 137 Thoreau Drive

Mr. Glover: and do, do any, either of the Fitzpatricks have receipts for the abutting neighbors? You have 3 abutting neighbors?

Mrs. Fitzpatrick: We have 4, but he's, I have a letter of non-opposition

Mr. Glover: That's alright, but you have 4. And do you have pictures please?

Mrs. Fitzpatrick: yes

Mr. Glover: Alright, tell us what you want to do and why you can't comply with the zoning regulations

Mr. Fitzpatrick: Basically, it's for storage. I have a 26 foot boat that I'd like to put inside for the winter. I've had a couple issues over the last 3 years with the snow with it. I bought an antique truck that I would like to put inside. So basically it's just for storage and the height purposes is for the boat on the trailer. I've got about 9 feet, a little over 9 feet to squeak the boat in the garage. So basically it's just for storage

Mr. Glover: Alright so you're in for a variance from the square footage which 750 is required and you're going to be 900?

Mr. Fitzpatrick: Correct

Mr. Glover: and you're also gonna be, you're required to be 30 feet from the rear property line and you're going to be 19

Mr. Fitzpatrick: Correct

Mr. Glover: and the third one is that it is a steel fabricated building, which is not allowed, correct?

Mr. Fitzpatrick: Well, correct

Mr. Glover: so we have 3, 3, 3 issues

Mr. and Mrs. Fitzpatrick: correct

Mr. Glover: size, position, and type of building

Mr. Fitzpatrick: Correct

Mr. Glover: is there any reason why it has to be a steel fabricated building?

Mr. Fitzpatrick: Cost

Mr. Glover: which is not a hardship

Mr. Fitzpatrick: Well it's quite a bit more expensive to do a foundation wood structure. The cost is like

Mrs. Fitzpatrick: I have pictures of one that was recently done by the same exact company

Mr. Fitzpatrick: If you'd like to see it

Mrs. Fitzpatrick: if you would like to see how residential they appear

Mr. Glover: yeah, sure

Mr. Fitzpatrick: And we have an actual

Mr. Glover: it's a pole barn?

Mrs. Fitzpatrick: It is

Mr. Glover: so there's no concrete floor in it

Mr. Fitzpatrick: There is a slab

Mr. Glover: there is, there is a slab in it. Is there any heat in it

Mr. Fitzpatrick: No

Mr. Glover: any water in it

Mr. Fitzpatrick: No

Mr. Conklin: What's the height of the doors?

Mr. Fitzpatrick: I'd like to put in 10 foot for the boat purpose

Mr. Glover: In height or width?

Mr. Fitzpatrick: Height

Mr. Glover: what's the width?

Mr. Fitzpatrick: Standard width, well, standard width

Mr. Glover: 9 feet?

Mr. Fitzpatrick: 9 feet and then the height, the height is the main concern

Mr. Conklin: These are not 10 foot doors

Mr. Fitzpatrick: No, no, no, that's we just wanted to show you what

Mrs. Fitzpatrick: it was done by the same company and we have the design of what ours is going to look like

Mr. Fitzpatrick: If you'd like to see a picture. This is what we're proposing

Mrs. Fitzpatrick: But we're, just not, without the stone work

Mr. Fitzpatrick: Without the stone work

Mr. Glover: Are you through with the red one? Let's ship it down to Linda

Mr. Conklin: Why, that is dimensionally that 30 ft. by 30 ft (unclear)

Mr. Fitzpatrick: that's the style that we're gonna, we want to put up, but it

Mrs. Fitzpatrick: and then they customize it to the 30

Mr. Cavallaro: and the 30 is physical size of what you're

Mrs. Fitzpatrick: Correct

Mr. Fitzpatrick: Correct, but we just wanted to show you a picture of what the structure is going to look like

Mr. Glover: why 19 feet from the rear property line?

Mr. Fitzpatrick: It's the flattest spot in the property and I need a secondary area for a septic system

Mr. Glover: so it's the only place that it can go

Mr. Fitzpatrick: Correct

Mr. Glover: right now you have a house and then a pool to the side of the house

Mr. Fitzpatrick: Correct

Mr. Glover: and then you have, it says fields, is that the septic system?

Mr. Fitzpatrick: Correct

Mr. Glover: Alright, so your secondary septic system would be in the back?

Mr. Fitzpatrick: Behind the structure in the back area

Mr. Glover: behind the structure, behind the garage?

Mr. Fitzpatrick: No, no, no, I'm sorry, if you're looking at my house to the right of the garage

Mr. Glover: ok in the, in the area on this picture that roughly says 120 ft.

Mr. Fitzpatrick: Correct, correct, that's the septic would be in this general area for a secondary system

Mr. Glover: have you done deep hole tests to check that? Have you tested that with the health department?

Mrs. Fitzpatrick: They told us to come see you

Mr. Fitzpatrick: do this first

Mrs. Fitzpatrick: before we went to Valley Health

Mr. Glover: Okay. Upstairs?

Mr. & Mrs. Fitzpatrick: Yes

Mr. Glover: so there's no water in it, there's no heat in it

Mr. Fitzpatrick: No sir

Mr. Glover: And it's going to look more like the,

Mr. & Mrs. Fitzpatrick: that's it

Mr. Glover: this building

Mrs. Fitzpatrick: Correct

Mr. Fitzpatrick: Well, we just wanted to show you

Mrs. Fitzpatrick: we just wanted to show you how residential it looks

Mr. Fitzpatrick: what the company has done

Mr. Glover: so in this picture you are showing me what could be done and this is just showing what you more or less plan to do

Mr. & Mrs. Fitzpatrick: correct

Mr. Glover: cause there's a difference

Mrs. Fitzpatrick: Oh no, I just wanted to let you see how, how nice they look

Mr. Glover: alright so you say it's the only place to put it. I probably already know the answer to the question but I have to ask it, is there any other steel fabricated buildings in the neighborhood?

Mr. Fitzpatrick: Not the, no

Mrs. Fitzpatrick: Not the direct neighborhood, no

Mr. Glover: so this one would not be in harmony with anything else in the neighborhood, it'd be different than anything else in the neighborhood

Mrs. Fitzpatrick: They don't really look steel though. If you drove by you would never know. I'll be, I was very surprised

Mr. Glover: Who fabricates it? Where did you get it

Mr. Fitzpatrick: This is, this is a Lancaster Builders and they're out of Pennsylvania, in the Amish

Mr. Glover: how big is your boat?

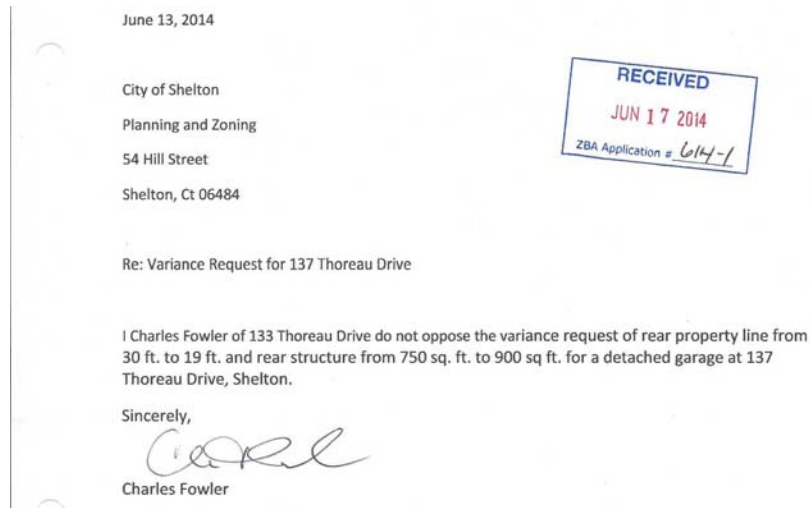
Mr. Fitzpatrick: My boat is 26.6 but it also sits on a trailer with a long tongue so I have to be able to get that in the garage

Mr. Glover: And what's the, it's 30 by 30 by 20 high

Mr. Fitzpatrick: Correct

Mr. Glover: all right does the board have any other questions? (no response) Is there anyone in this room who is in favor of this structure, this application? (no response)

Mr. Jones read letter:



Mr. Glover: In relation to you, this is 137, 133 is here?

Mr. & Mrs. Fitzpatrick: Correct

Mr. Glover: so he's your next door neighbor

Mr. Fitzpatrick: Correct

Mr. Glover: on the opposite side of where the building structure would be

Mr. Fitzpatrick: Correct

Mrs. Fitzpatrick: And on the other side we have a verbal ok, we just couldn't get together with the family

Mr. Glover: What did I say, in favor? We're up to in favor? (yes) Anyone else in favor of this application? (no response) Is anyone opposed? (yes) Would you please give your name and address for the record please?

Ms. Wood: Eve Wood, 142 Longfellow Road in Shelton. My property is adjacent and will be the most impacted by these variances. I have lived in Shelton for over 30 years. My back rear woods weren't disturbed until 2007 when the Fitzpatricks moved in. We had to have a survey done in 2007 because they had cut down some trees, put down gravel and parked assorted vehicles on our property.

Mr. Fitzpatrick: which was a mistake

Mr. Glover: Hang on, sir you have to

Ms. Wood: Right, and I took it to be an honest mistake and we did not get any compensation for the trees. In 2010 they infringed on our property, same area again, by parking their vehicles beyond clearly marked stakes which are some of them are still there today, which he used on the map as a property pen. Then this past Saturday we were invited, or I was invited to go over and discuss the variances with them, or the location the building would be, and noticed that they have their dog invisible fence on our property which does extend into the Carroll's, our neighbors also, and it's not a matter of a few inches, it's like 4 feet into it. Their property line is clearly marked and they still abuse that, our rear property. They've, so since 2007 they've shown no respect for that property line. And so at this point I am against all variances and these are the reasons why: having a large steel structure so close to the property will decrease property value and not

just to mine. They have room in their in their yard to maintain their setback. They're not the only people that have large, multiple vehicles that would like to store away in the area, in the neighborhood. Allowing these variances will change the whole character and composition of the residential neighborhood. The size will be a fire safety hazard because it would be close to the wooded areas in our rear property with woods in adjacent properties; that if there should be a fire easily could spread to nearby homes. I'm concerned about the noise factor of a steel structure with rain and sleet echoing to my home and this would definitely decrease the value of residential neighborhood. I don't see any unique factor which justifies these zoning variances and it seems that trying to get these variances is the easy way for them to put it where they want it on their property. The zoning rules are there for reasons and to protect against granting variances that have no unusual big, are not an unusual hardship or self-created. And in closing, I'm concerned the value of my property will decrease with a large metal structure so close to my property without proving an unusual hardship. Thank you.

Mr. Glover: thank you

Ms. Wood: I do have pictures of their yard also. I don't know if you want to see where they had originally infringed upon or where the current dog fence is

Mr. Glover: Are the stakes in the back there is that where the position of the

Mr. Fitzpatrick: Correct

Mr. Glover: You're on the other side of them, your property abuts theirs

Ms. Wood: Yes

Mrs. Fitzpatrick: They're the rear left if you're facing the street

Mr. Fitzpatrick: And they only abutt us by approximately 25 feet. Our other neighbors abutt the whole back property line

Ms. Wood: This is where, this is mine, so this is the area that would be the 19 feet

Mr. Glover: Alright, is anyone else in opposition? (yes) Come forward please

(several talking at once)

Mrs. Carroll: Dennis and Sally Carroll of 138 Longfellow Road

Mr. Glover: and Mrs. Carroll, you are in opposition

Mrs. Carroll: Our concern is the size of the structure and the steel of the structure. We feel it is out of character with the neighborhood and there is a lot of others, people in our neighborhood that are construction people, entrepreneurs, whatever you want to call them, and we don't see where granting this waiver would prevent anybody else from doing similar and making something that could be very steel commercial and not looking residential

Mr. Glover: so you are in objection to the aesthetics, as well as the size

Mrs. Carroll: Yes, I mean, we have we do have concern as well as the setback, cause you know, we have concerns as to how that will affect our property value

Mr. Glover: where is your property in relation to theirs? Yours is in back of theirs

Mrs. Carroll: Correct

Mr. Conklin: Yours is this property?

Mrs. Carroll: Yes

Mr. Glover: so, their, their building being 19 feet from their rear yard will be encroaching on the setback to you

Mrs. Carroll: correct

Mr. Glover: Any questions from the board? (no)

Mr. Conklin: Gerry, do you have pictures of the property?

Mr. Glover: We have a,

Mr. Fitzpatrick: Our pictures are right there

Mr. Glover: Yeah,

Mr. Conklin: These stakes on this property designating where the shed's going?

Mr. Fitzpatrick: Uh huh

Mr. Conklin: Is there some reason why it can't be moved forward 10 or 11 feet? I mean the property's level

Mr. Fitzpatrick: It's not level, it

Mrs. Fitzpatrick: It slopes down

Mr. Fitzpatrick: it comes from that spot

Mrs. Fitzpatrick: Maybe a few inches, but then it

Mr. Fitzpatrick: Then it slopes right to the house

Mr. Conklin: I think that's a minor (unclear)

Mr. Fitzpatrick: And it is a pole bar so it has to be on somewhat of a level piece of property. If it was a foundation obviously you could bring the foundation out of the ground

Mr. Conklin: What are you doing with the other sheds on your property?

Mr. Fitzpatrick: It just stores all my tools and lawn mowers and things like that

Mr. Conklin: So both sheds are gonna stay?

Mr. Fitzpatrick: Correct. The shed is a shed, but the new structure is a garage

Ms. Adanti: What's the definition of a pole bar?

Mr. Glover: A pole bar is something that doesn't have footings, they have sometimes piers, sometimes the poles go right down into the ground, it's supported that way

Mr. Fitzpatrick: These are actually concrete piers that come down and then flair out and go down into the ground and the pole sticks out of the ground and the 6 by 6 sits on top of it

Mr. Glover: (unclear) Anyone else in opposition? (unclear)

Mr. Conklin: That camper is not going inside there

Mr. Fitzpatrick: Excuse me?

Mr. Conklin: Is the camper going inside there also?

Mr. Fitzpatrick: Boat, just the boat and I have an antique truck. And I have 4 other vehicles. My 2 daughters drive you know, so it would be nice to put them

Mrs. Fitzpatrick: like trading seasons, so in the summer we can move some cars and just kind of make it look very nice instead of having 4 cars in the driveway and a boat

Mr. Fitzpatrick: And the boat took, over the last 2 snow seasons it took a hard hit and so that was the main reason is to put that inside so I don't have to, had the tarp collapse in the last 2 years, and had some structural damage done to it that I had to have repaired

Mr. Glover: Alright, Mr. Fitzpatrick do you have any rebuttal to the opposition that's been presented

Mr. Fitzpatrick: Um, the dog fence, I personally didn't think it was an issue, it's just a wire. I can move the wire, I didn't think it was an issue

Mrs. Wood: It's a liability

Mr. Fitzpatrick: In 2010, she's suggesting that I had other vehicles parked up there, I didn't

Mrs. Fitzpatrick: As soon as she had it surveyed

Mr. Fitzpatrick: Once we had it surveyed, yes it took me a little time to move the stuff because I had a wood pile that I had to move. And I did move it and I took the stuff out and the trees that she's talking about that I cut down, were saplings I did not cut down any major two foot round trees. And there again it was a mistake. I didn't purposely put all my stuff on her property. When she asked me, I moved it. The wood pile, I thought I was able to keep for there for, cause I was going to burn it throughout the winter and then a couple weeks later I got a registered letter in the mail stating that she wanted the wood pile moved. And I specifically had asked her if I could leave it there so I could burn it this winter and not move it, but I had to move it anyway.

Mr. Glover: Alright, so any final questions from the Board, comments from the Board? (no) Then I'll declare the hearing closed. Thank you very much.

#614-1 Later that evening during the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Adanti, unanimously voted to deny the application for variances in the maximum square footage, reduction in rear yard setback and to allow a steel fabricated material for a 30'x30'x20' pole barn (detached garage), since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#614-2 27 Weybossett Street, Vern Krill of 101 Cranston Avenue, Shelton, CT is seeking to waive Section 24.2 to allow the building square to not lie within the setback for the street line, and Section 24, Schedule B, Standards 4 and 8 by varying the minimum lot frontage from 60 ft. to 20 ft., and setback from the rear property line from 25 ft. to 11 ft. for a single family home.

Mr. Glover: Good evening, Mr. Krill

Mr. Krill: Good evening

Mr. Glover: would you like to give your name and address for the record

Mr. Krill: My name is Vern Krill, I live at 101 Cranston Avenue. For the purpose this meeting, I'm the executor of the estate of Lillian Krill which is property at 57and 58 Weybossett Street, Shelton

Mr. Glover: and do you have some evidence that you sent

Mr. Krill: These are the, the letter and those are the people that were contacted and those are the people that responded, 5 people, 3 responded

Mr. Glover: you have 5 people who are abutting neighbors

Mr. Krill: Yes

Mr. Glover: And do you have some pictures please? Is that just an old garage

Mr. Krill: Yeah I'm gonna detail that and, and the reason why I'm bringing that up for this meeting. If you'd like me to start with the garage

Mr. Glover: Yeah, tell us what you want to do and, and

Mr. Krill: This property has been in the family about 100 years now. At some point when they bought the property 57 and 58 were separate lots. My father constructed a home about 1964; prior to that in 1955, put a mechanical garage in back of the property which is depicted in the photos. So for the purpose of this meeting I want to demolish the garage and put up a one family home in the relative position with a reconfiguration of 57 and 58.

Mr. Glover: So you have 2 pre-existing non-conforming lots. Is that correct?

Mr. Krill: Um

Mr. Glover: 57 and 58; or are they are they merged together, are they combined

Mr. Krill: They, they were combined, right

Mr. Glover: ok, so they're all, 57 and 58, the parcels are now one lot

Mr. Krill: Yes

Mr. Conklin: They're deeded one lot in the City?

Mr. Krill: Not deeded, they're taxed as one lot.

Mr. Cavallaro: You have one tax bill

Mr. Krill: right

Mr. Conklin: but they're still deeded separately

Mr. Krill: I guess

Mr. Glover: So, the garage is um, is way back in the corner

Mr. Krill: It is, but it's non-conforming being that it was a mechanical garage in existence for probably 50 years

Mr. Glover: what do you mean by a mechanical garage?

Mr. Krill: It was auto, auto-body

Mr. Glover: Ok

Mr. Krill: Which is in violation. The reason why nobody had ever made a complaint, is because obviously nobody could see it. But now as the Executor of the estate, I wanted to sell the property and people had come up and the first thing they saw was the garage. Two people's words were "beautiful." What one said, they wanted to put in a construction, and another one wanted to use it as a mechanical garage. I think this is a good time to tear the building down and propose a home on that lot there.

Mr. Glover: So there is a house that exists

Mr. Krill: The building in front

Mr. Glover: and, and you're going to put a second house on a second parcel

Mr. Krill: Right , right, with the proposal, part of anything, the garage comes down

Mr. Glover: Right, ok part of the proposal the garage is gone,

Mr. Krill: Yes

Mr. Glover: it's going to be gone

Mr. Krill: Yes

Mr. Jones: Is there a reason why you can't move it, looking at it to the right, to make it more conforming within the

Mr. Krill: Well, I know what you're saying there, and this is actually a proposal showing what, what you're suggesting. This is exactly what you are saying right now. This is to the right. The only, the only thing I would need would be the from 60 feet to 20 feet, the other proposals would be null and void because of the repositioning of it; however, this was submitted to Rick Schultz and he suggested that it be moved to the center of the lot. So this was the original proposal, but Zoning wanted it in the center which gave me two other proposals to put forward rather than the, just the 20 feet from 60 feet, 60 to 20 feet

Mr. Jones: What was his reasoning?

Mr. Krill: He wanted it centered in the lot. He wanted it away from the side here, the back side. He wanted it away from here, I don't know why

Mr. Glover: so where it says proposed house, is that where you are going to put the house?

Mr. Krill: Yes

Mr. Glover: ok so he wanted it more to the south

Mr. Krill: Yes, if you if you look at the pictures you can also see, that land there at one point, where it would've been proposed, where you are suggesting it should be over here, it's up like a 20 foot, if it was a topographical map there'd be 20 feet drop from one section to the other, and it is pretty much depicted in one of these photos

Mr. Glover: So, right now this is one parcel

Mr. Krill: yes

Mr. Glover: with one existing house and a mechanical garage on it.

Mr. Krill: Yes

Mr. Glover: and your proposal is to keep the existing house and put a driveway up or an easement or a driveway

Mr. Krill: yes

Mr. Glover: and build another lot in the back,

Mr. Krill: right, after, after first demolishing the existing non-conforming mechanical building

Mr. Conklin: I'm sort of confused, because the 57 and 58 look like old lot numbers from

Mr. Krill: They are, that's exactly what they are. It's right off the lot map as I showed there

Mr. Glover: but it's always been used as one piece, he lived here

Mr. Krill: My mother and father, yes

Mr. Glover: your mother father lived here, and your father worked out of there

Mr. Krill: Yes

Mr. Glover: Did he do it commercially or as hobby or what?

Mr. Krill: Well, my father died in '92, and then my brother worked there after that until his death this past year. So it's probably been in existence for 50 years

Mr. Glover: but did they do it as a hobby or did they do it for income, a business

Mr. Krill: I can't really reflect on what they did because I didn't know, I didn't live there at that time. Only as a child would I remember my father doing it, probably as a hobby because he was a metallurgical engineer at Sikorsky's. So it probably would have been his hobby, but not my brother's hobby, probably would have been his income

tape had to be changed

Mr. Conklin: So originally there was, that, that lot 57 had street frontage originally

Mr. Krill: Yes

Mr. Conklin: That's what I'm trying to find out, even though it was taxed as one there's still 2 separate deeds on this property

Mr. Krill: Yes that map shows the frontage on both of those

Mr. Conklin: and this is back in the old what's it, White? White Estates? where they are all

Mr. Krill: Wells, Wells

Mr. Conklin: 100 by 100 lots

Mr. Krill: Wells, actually 50 by 100, it was the Wells estate

(several talking at once)

Mr. Krill: In 1925 my grandfather bought it probably 100 years ago and that probably, the garage was built in '55. I don't even know if there was any zoning regulations to even put that building in

Mr. Glover: Alright

Mr. Conklin: Does that second parcel in the back (unclear)

Mr. Krill: the total thing is about 31,0000

Mr. Conklin: Alright, so you're way over the lot size of this area

Mr. Krill: about 31,000 square feet total, which is required 5,0000

(Several conversations going on at once while Board members are reviewing maps)

Mr. Conklin: So for a rear lot you need 1 ½ times the lot size of that zoning, so you're way over that.

Mr. Krill: I think for the (unclear) knock down the garage. There were also a lot of cars that were stored there, which

(Several conversations going on at once while Board members are reviewing maps)

Mr. Glover: so they were 2 parcels on this, he has two deeds for it

Mr. Conklin: The original lot line is split

Mr. Glover: but they were this way, and so he built his house across the two, so it really combines that land over there, even though he's got two parcels, two deeds, it's all on one now

(Several conversations going on at once while Board members are reviewing maps)

Mr. Glover: So 57 and 58, the existing house was built right across the property line of 57 and 58.

Mr. Krill: pretty much

Mr. Glover: so at that point someone recognized it as one lot

Mr. Krill: and erased the line

Mr. Glover: and erased the line

Mr. Cavallaro: so that constitutes the hardship?

Mr. Glover: well, it doesn't, it's not a pre-existing non-conforming lot because that that was given, given up. He may have 2 deeds for it, but it was given up when somebody built right across the lines

Mr. Conklin: yeah, that's why I'm trying to find out where the line was

Mr. Glover: The line is right here

Mr. Conklin: yeah I see the line yeah,

Mr. Glover: it goes right through the house (unclear)

Mr. Conklin: (unclear) thought maybe the house was sideways, it's not, it's right across this, right through the center

Mr. Glover: so we have a, you have enough square footage for each lot.

Mr. Krill: Sure

Mr. Glover: So the only issue is the setbacks and the square and the minimum frontage on one of them

Mr. Krill: Minimum frontage right

Mr. Glover: Which is the (unclear) square. Are there city sewers there?

Mr. Krill: Yes

Mr. Glover: city water?

Mr. Krill: Yes, and no wetlands

Mr. Glover: Good. Are there any other questions from the Board? (no) Do you get the concept over there guys? (yes) Is there anyone in this room in favor of this application? (no response) Is there anyone who is opposed to this application? (no response)

Mr. Krill: No, I had one neighbor suggested he would help me knock down the garage

Mr. Glover: I'll bet. I'll bet they'll line up to knock down that garage

Mr. Krill: I said no thanks I'll do it myself thank you very much though, you could watch.

Mr. Glover: and you're the Executor of the Estate?

Mr. Krill: Yes

Mr. Glover: Final questions or comments? (no) I'll declare the hearing closed. Thank you

Mr. Krill: Thank you Board and Mr. Chairman

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

#614-2 "In the application of Vern Krill of 101 Cranston Avenue, Shelton, CT, for a certificate of approval for a single family home to be located on the property of the Estate of Lillian Krill at 27 Weybossett Street, Lot 57, R-4 zone, and which requires variances in the lot frontage, setback from the rear property line and to allow the building square to not lie within the setback for the street line,

The application for variances is approved.

Inasmuch as the size of the lot is big enough for a building lot, and

Inasmuch as testimony indicated the parcel was originally two building lots, and

Inasmuch as the proposed structure will be more in harmony with the neighborhood and will eliminate a pre-existing non-conforming structure and use on the property

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum lot frontage from 60 ft. to 20 ft., setback from the rear property line from 25 ft. to 11 ft., and to allow the building square to not lie within the setback from the street line at the above is granted (Section 24, Schedule B, Standards 4 and 8 and Section 24.2) in this instance.

This approval is contingent on the applicant removing the existing non-conforming garage structure from 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."

#614-3 19 Hurd Street, Harold and Debra Fichtel of 19 Hurd Street, Shelton, CT are seeking to waive Section 24.11.4 by varying the setback from the right side yard from 40 ft. to 13 ft. for a 24x24 two car garage and 24x36 living space addition.

Mr. Glover: Good evening

Mr. Fichtel: Good evening

Mr. Glover: Would you give your name and address for the record

Mr. Fichtel: Yes, it's Harold Fichtel, 19 Hurd Street, Shelton CT

Mr. Glover: And do you have some receipts where you notified your neighbors? (yes) And do you have some pictures?

Mr. Fichtel: I do. I have 5 actually I have 2 of them are from the front

Mr. Glover: That's alright, 4 is all that are required if you've got 5

Mr. Fichtel: I went all out

Mr. Glover: You get extra credit. Alright, so you're building a 24x 24 two car garage and a 24x 36 living space

Mr. Fichtel: Correct

Mr. Glover: Would you explain that? Is that, are they two structures?

Mr. Fichtel: No, one structure 24x60

Mr. Glover: Ok

Mr. Fichtel: And rough design of it right now, 24 by 36 being an apartment for my parents

Mr. Glover: Ok, how many square feet are there in 24x16?

Mr. Fichtel: I'm sorry?

Mr. Glover: Is 24x16 for your parents?

Mr. Fichtel: No 24x36

Mr. Glover: by 36

Mr. Fichtel: which is under the 900

Mr. Glover: That's all I needed to know. So you're adding this onto the house, is it connected to the house

Mr. Fichtel: Yes it is. And this is just a rough drawing from the front that would be a, right now there's a one car garage (unclear) and I'm going to remove the one car garage and make it two

Mr. Glover: Okay and mom and dad are coming to live with you

Mr. Fichtel: Correct

Mr. Glover: Hurd Street, septic system?

Mr. Fichtel: Yes

Mr. Glover: Okay, well or city water?

Mr. Fichtel: City

Mr. Glover: Why is there a 40 foot setback, is it a rear lot?

Mr. Fichtel: Yes it is

Mr. Glover: And you're going from the 40 ft., you're going to reduce the, on one side to 13 feet?

Mr. Fichtel: Correct

Mr. Glover: is that right?

Mr. Fichtel: Yes

Mr. Glover: The right side is Mr. Witkowski?

Mr. Fichtel: Yes

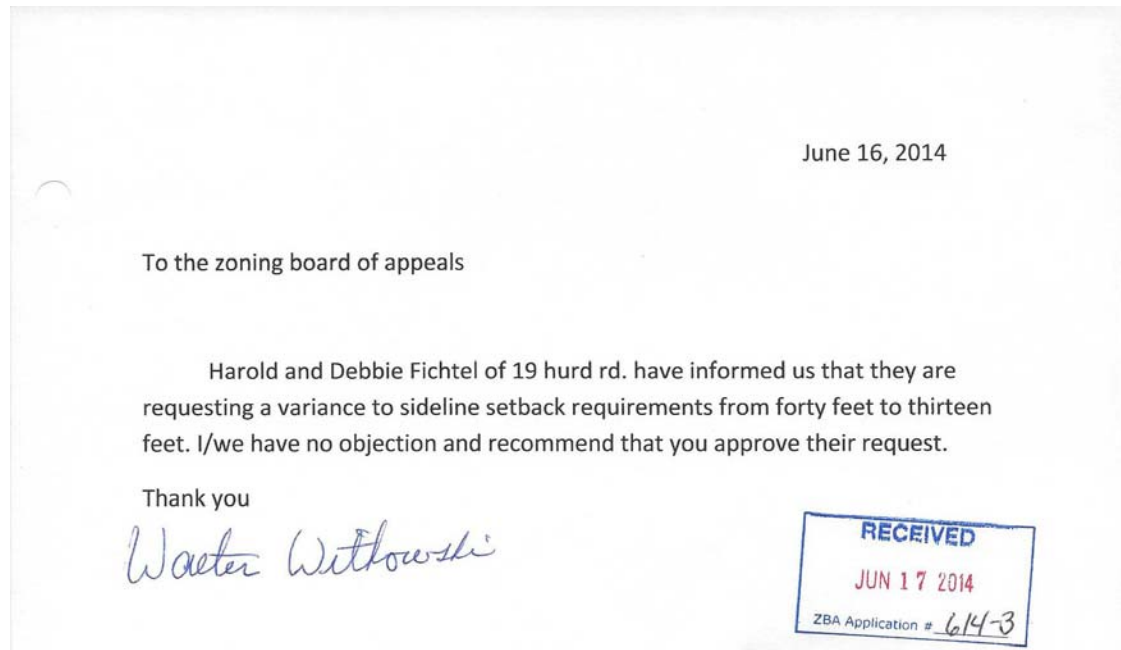
Mr. Glover: Have you spoken to Mr. Witkowski?

Mr. Fichtel: I have and he signed a letter for me

Mr. Glover: Have you lived here a long time?

Mr. Fichtel: Yes

Mr. Jones read letter:



Mr. Glover: Alright, so your lot is really a triangular lot

Mr. Fichtel: Yes

Mr. Glover: basically, right

Mr. Fichtel: Yes

Mr. Glover: And off of Hurd, you have what 30 ft. or 20 ft.? the frontage?

Mr. Fichtel: 30

Mr. Glover: 30 ft. and you're going to encroach on property that at one time was Fox

Mr. Fichtel: Yes

Mr. Glover: Okay, and you're putting it here because of the driveway and that's the logical place to put it

Mr. Fichtel: Yes it just made no sense to me anyway to put it anywhere else

Mr. Glover: Okay, alright, so you have a very unusual shape to your lot and it is a rear lot and because it's a rear lot it's

required to have 40 ft. setback instead of the normal 30 ft. setback. But it is a very strange shape

Mr. Fichtel: (unclear)

Mr. Glover: Here's Hurd, there's this road and here's the shape of the lot and there's his house on it, and he's putting an addition over here, encroaching on this person who's written a letter that said he has no problem with that. Do you have any questions? Linda, do you have any questions?

Ms. Adanti: I'm just trying to understand what he's constructing

Mr. Glover: let me, let me, let me show you this (unclear)

Clerk: Where's his

Mr. Fichtel: the front drawing?

Mr. Glover: yeah

Clerk: Did he take it back? He can't take it back.

Mr. Glover: If you look at that, his is, you can see where Hurd Road is on that on that map, he has a little tiny little driveway that comes in, it's 30 feet and then he's got a triangular piece of property

Ms. Adanti: Okay, I see it

Mr. Glover: Very awkwardly shaped piece of property. And he wants to put, as you're looking at it he wants to put that on the left hand side of his piece of property

Mr. Fichtel: Is this a better

Mr. Glover: No that's okay, I think

Ms. Adanti: No, that's good. I've got it now. So when you come down your driveway are you, the garage is going to be along the, you know the front part of the house or would it turn to the side here

Mr. Fichtel: This is, this is the front of the house and the garage would drive straight into the garage as it as it does now

Ms. Adanti: Okay, that's what I was trying

Mr. Fichtel: right now it is only a one car garage

Ms. Adanti: Okay, alright, got it

Mr. Glover: ok, any questions?

Ms. Adanti: Nope.

Mr. Glover: Anyone else in the room in favor of this application? (no response) Anyone opposed? (no response) Any opposition? (no response) Any final questions from the Board? (no) Comments from the Board? (no) We'll declare the hearing closed, have a nice night

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

#614-3 "In the application of Harold and Debra Fichtel of 19 Hurd Street, Shelton, CT for a certificate of approval for a one story 24x60 addition with a 24x24 two car garage and 24x36 of living space to be located on the property of the applicants at 19 Hurd Street, R-1 zone, and which requires a variance in the minimum setback from the right side yard,

The application for a variance is approved.

Inasmuch as it is the only place the addition can be built due to the irregularly shaped lot, and

Inasmuch as the house will remain in harmony with the neighborhood after the project is completed,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the right side yard from 40 ft. to 13 ft. at the above is granted (Section 24.11.4) in this instance.

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.”

#614-4 Thompson Street, Map 108, Parcel 26, Proposed Lot 1, S&G of Shelton, LLC of 689 Long Hill Avenue is seeking to waive Section 24, Schedule B, Standards 1 and 3 by varying the minimum lot area from 40,000 sq. ft. to 37,480 sq. ft. and minimum square on the lot from 150 ft. to 130 ft. for a single family lot.

#614-5 Thompson Street, Map 108, Parcel 26, Proposed Lot 2, S&G of Shelton, LLC of 689 Long Hill Avenue is seeking to waive Section 24, Schedule B, Standards 1, 3, and 4 by varying the minimum lot area from 40,000 sq. ft. to 37,480 sq. ft.; minimum square on the lot from 150 ft. to 130 ft.; and minimum lot frontage from 135 ft. to 116 ft. for a single family lot

Mr. Glover: Hello Mr. Swift

Mr. Swift: Good evening Commissioners. My name is Jim Swift, a landscape architect engineer, representing the applicant, Ben Perry

Mr. Glover: his twin was here earlier tonight

Mr. Swift: I saw him

Mr. Glover: lucky you. Can we have your app, your receipts please?

Mr. Swift: I have receipts and photographs for both, both applications

Mr. Glover: Are they the same pictures for both?

Mr. Swift: They are not, I did

Mr. Glover: but more or less

Mr. Swift: More or less, correct

Mr. Glover: And for the record, this is this is one piece of parcel that's being split

Mr. Swift: That's correct

Mr. Glover: So we're taking them together

Mr. Swift: yes

Mr. Glover: if that's all right with you

Mr. Swift: Please. There are, for the sake of the of the variances and the hardships, there are 2 different issues so I'll take them one at a time

Mr. Glover: Alright, which one do you want to do first?

Mr. Swift: I will do Lot 1 first

Clerk: You're just determined to cover this aren't you?

Mr. Swift: Is that okay

Clerk: No, it's not

Mr. Glover: If you cover the microphone you don't get a variance because there's no record, you were never here. You're going to do 614-4

Mr. Swift: Yes, which is the first lot, Lot 1. What we have is a situation where as you stand in Thompson Street and you look at the parcel, we have an existing house and immediately to the right of that house we have a certain amount of land that does not have the ability for the minimum square and for the lot area given, given where the existing house is. So our hardship on this lot is that due to the configuration and where the existing house is built, that we cannot get the square and the lot area without significant amount of gerrymandering which would create a hardship I believe for

Mr. Conklin: and that is all you're asking for is the square footage

Mr. Swift: And, and the square

Mr. Conklin: Okay

Mr. Swift: And, and advancing to the second lot, we do have of course the same hardship on the, on the side lot line in that respect, but then we have another thing that is going on, which on this lot, we are asking for the lot area, minimum square, minimum frontage and the side setback. The side setback is fairly clear, but I'd like to present evidence of further hardship for that lot. The remainder of that lot extending back and in this direction is a larger piece of property that in, in a perfect world and again this is the Lot 1 and I apologize for getting the numbers wrong, this is the existing house, which in a conventional sub-division, we could generate a sub-division that would have 1, 2, 3, 4 lots without any variances whatsoever, there would be none required.

Mr. Conklin: You're saying that that building on Lot #3 is not encroaching

Mr. Swift: No, we would we would have to take that building down. We would have to take that existing house down in this sub-division. My, my statement is that, that all things being equal, we could provide this 4 lot sub-division without variances on either what is actually Lot 1 and Lot 2 that we are applying for. The hardship that we are going to have is that we'll have to build a city road that extends down the length of the property with wetlands encroaching on that, and I think you know the wetlands, the fact of the wetlands provides, provides a problem for that and we feel that the house is best saved.

Mr. Conklin: So wait a minute, wait, I'm missing something because really you can't encroach upon the wetlands you would end up putting the road on the opposite side and only getting 2 lots out of it

Mr. Swift: No we can, we can apply for the wetlands

Mr. Conklin: Yeah, apply for it, but not necessarily you'll get it

Mr. Swift: Correct, and again and again that's, that's the

Mr. Conklin: right, so that's not, we don't really know if that's a true 4 division sub, 4 lot sub-division or not, so (unclear)

Mr. Swift: It is it is certainly for this Commission to decide the the the the true hardship nature of it, but in in my view the wetlands being in the location that they're at, they're not particularly valuable wetlands and we would apply, but because of that that quirk in the way that the parcel is physically exists, that it could be, that it's, that it could be construed as a hardship in due respect to the commission, but

Mr. Glover: this point here is this point.

Mr. Swift: That's correct

Mr. Glover: and this point back here, is back in here some place

Mr. Swift: Yeah and we did approach this property owner and and just to give a little history, which may or may not even be here nor there, we did approach this owner which is this owner to try to eliminate some of these hardships to see if we could buy some property, but we could not get this owner to part with a significant amount of land. But he did, however, agree to a small land transfer that would give us a legal 150 square on that particular lot

Mr. Glover: so the parcels that you have in front of us tonight end here

Mr. Swift: Yes that's correct

Mr. Glover: and then there's 2 more lots here

Mr. Swift: Yes

Mr. Glover: under this scenario

Mr. Swift: Yes

Mr. Glover: What are you going to do with this property back here?

Mr. Swift: Our intention is to sub-divide it at one point. When you look at, at this lot, at Lot 2 this is the proposed property line that would allow us access to the 2 lots in the rear, so this

Mr. Glover: at what frontage

Mr. Swift: This

Mr. Glover: What frontage is left over?

Mr. Swift: With the 116 foot frontage which again is one of the variances that

Mr. Glover: on that one and then do you have more, more land

Mr. Swift: Yes again that land is up in this location

Mr. Conklin: What is the frontage? Balance frontage?

Mr. Swift: The balance frontage in this area turns out to be less than needed for the roadway. I want to say that it's 40 feet rather than 50 feet.

Mr. Glover: So you're under this scenario here, you would have a 40 ft. frontage for 2 rear lots, if you were to do that?

Mr. Swift: Yes, that's correct that is correct.

Mr. Glover: That is what you're anticipating

Mr. Swift: yes, that's correct

Mr. Glover: This then would be a common driveway?

Mr. Swift: Yes it would. It would have 2 separate access-ways, but the common driveway would be able to go around the wetlands

Mr. Conklin: Doesn't the city require 50 feet though for rear lots?

Mr. Swift: We can go to 20 on, on a sub-division

Mr. Glover: So in, in the, under this scenario here, which is not this, anything to do with this, is that correct?

Mr. Swift: We are offering this as, as evidence that there is there is justifiable hardship of granting variances for those lots

Mr. Glover: Okay. And under the variances that you are asking for tonight, the existing house would remain

Mr. Swift: Correct

Mr. Glover: And on the one that you are offering as look we could do this if you didn't give us this, you would be taking the house down

Mr. Swift: That's correct

Mr. Glover: did I get that right

Mr. Swift: That's correct

Mr. Cavallaro: But you're still looking at potentially doing that anyway down the road

Mr. Swift: Um, yes, yes we are looking for 2 lots towards the rear, it's a, it's a question of how we get to them. The City is always encouraging us to do it with rear common driveways because then the city doesn't, have to maintain the road. I understand that's not necessarily a hardship, it's a benefit to the City

Mr. Glover: how many feet back is that, that proposed driveway or roadway?

Mr. Swift: One, two, three probably 400 feet back to the rear lot, 400 feet of city street

Mr. Glover: And those would be 60,000 sq. ft. lots

Mr. Swift: These would be 40 because they would have city frontage

Mr. Glover: ok

Mr. Perry: Oh you're asking if it was in a driveway?

Mr. Glover: In this scenario yeah, with a common driveway

Mr. Swift: Oh, in a, in a common driveway should we should we, should we obtain both variances, the common driveway would end at access to the first lot and I think, you know, that's, that's probably somewhere in this location

Mr. Glover: So these would still be rear lots

Mr. Swift: Yes that's correct

Mr. Glover: And they would be 1 ½ times the 60,000

Mr. Swift: that's correct

Mr. Glover: or would we be back for that variance for 40

Mr. Swift: granting these two variances, the two lots would be rear lots and they would be 60,000 square feet

Mr. Glover: and you have that area

Mr. Swift: Yes we do

Mr. Glover: or would have that area

Mr. Swift: We do, and if we don't, then we've made a terrible mistake and have wasted time here

Mr. Glover: and we wouldn't see Mr. Perry for the third time (unclear)

Mr. Swift: I don't think you would

Mr. Glover: Alright, so this really has nothing to do with what we're doing tonight, only as evidence as to what we could do

Mr. Swift: yes, correct

Mr. Glover: in some fashion

Mr. Swift: Yes

Mr. Glover: Okay, so our variances here are the size of the lot and the setback in this one, correct?

Mr. Swift: side set back correct, and they're listed here and in the application

Mr. Glover: And the frontage

Mr. Swift: Frontage

Mr. Glover: yeah, frontage and the side setback 30 to 20. Okay. It almost looks like you're maximizing the piece, almost

Mr. Swift: that, that, that, that is by-product of our application

Mr. Glover: yes, in one way you get to keep the house, one way you get to take the house down

Mr. Perry: That's correct

Mr. Swift: One way we get to keep the house, another way we lose the house and build a city street

Mr. Glover: Okay, what was your question?

Mr. Conklin: This property right now is two separate deeded pieces of property?

Mr. Swift: No, you are, you are looking at one parcel

Mr. Conklin: Okay, but my question is, if this is one total parcel that runs all the way back

Mr. Swift: Correct

Mr. Conklin: Okay, you are making a sub-division of these pieces of that one parcel

Mr. Swift: but these are

Mr. Conklin: How come everybody surrounding that property wasn't notified?

Mr. Swift: The variance doesn't, cause should these variance,

Mr. Conklin: It's the property, the property is the property

Mr. Swift: Should these variances be granted the property that would be affected in the future would not adjoin those properties

Mr. Conklin: (unclear) right now it is adjoining. That piece of property is the total piece of property that you have to abut, you have to notify all abutting neighbors

Mr. Glover: I think he's right

Mr. Swift: Okay, well we certainly

Mr. Glover: if you go back to your scenario of the entire piece

Mr. Swift: Right

Mr. Glover: that's how it exists now, correct?

Mr. Swift: Correct

Mr. Glover: and so all of these people are abutting neighbors, so these people back here have no idea what you're doing with the front half of that one parcel

Mr. Swift: And that would apply to both, both applications. The Commission certainly has the, has the call on that

Mr. Glover: I, I think, he has a legitimate point. I think you have to, then you have to notify the people that are around this piece of property, not the piece of property that you're asking the variance for, because that's only a part of the parcel. The parcel as it exists now is much larger and there are abutting neighbors to that parcel. You're only showing us, you're only showing us chapter one of a book, there's a whole number of chapters here

Mr. Swift: Well we could request that the hearings be held open and we could notify the neighbors

Mr. Glover: I think we hold it open and, and you notify all the abutting neighbors that are around the whole, the whole piece

Mr. Swift: Okay

Mr. Perry: Absolutely

Mr. Glover: I think that Ed's right, that's the only way that you conform to our regulations. Without doing that you leave yourself open to an appeal that you didn't do it right, or appeal to us that we didn't do it right

Mr. Swift: Okay well, so with the commissions consent we would request the hearing held over

Mr. Glover: Yeah, let's continue this till next month

Mr. Perry: Okay. Thank you very much.

Mr. Glover: Send your brother next month

Mr. Perry: Which one

Mr. Glover: he handsome one

Mr. Perry: You've got the handsome one

Mr. Swift: Okay, thank you.

#614-6 148 Princeton Drive, Frank & Maria Rodi of 148 Princeton Drive, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 9 by varying the minimum setback from the left side yard from 30 ft. to 10 ft. for a 18'x24'x20' shed.

Mr. Glover: Good evening

Mrs. Rodi: Hello

Mr. Glover: Would you please give your name and address for the record

Mrs. Rodi: Maria Rodi, 148 Princeton Drive, Shelton.

Mr. Rodi: Frank Rodi, 148 Princeton Drive, Shelton

Mr. Glover: Can you hear Mr. Rodi?

Clerk: Not too well

Mr. Glover: Mr. Rodi, you have to yell at her.

Mr. Rodi: Frank Rodi, 148 Princeton Drive, Shelton

Mr. Glover: And do you have some receipts please?

Mr. Rodi: Sure

Mr. Glover: Okay you have 3 abutting neighbors, one of them is the City of Shelton

Mr. Rodi: Uh huh

Mr. Glover: Lucky you. And do you have pictures please?

Mr. Rodi: We just found that out, that Shelton owned that property

Mr. Glover: Tell us what you want to do and why you can't conform to the regulations

Mr. Rodi: Okay start on the, the right side of the house we have an easement. Well first we want to put a 24 by 18 shed up

Mr. Glover: So you're looking for a shed 24 by 18

Mrs. Rodi: Correct

Mr. Rodi: And on the right side is an easement so we can't put it, we don't think we could put up a shed that large on that side of the house. The rear of the house has a septic system and we don't want to get involved with the septic system because of the pipes and everything that go through the yard. And on the left side, that has a lot of ledge but it has an area where it's nice and flat and we feel that's the best place to put it, but we need a variance of 10 feet.

Mr. Glover: Alright, hang on, you're on a cul de sac

Mr. Rodi: Yes

Mr. Glover: Okay, you're on a cul de sac and, this map does not show an easement, you said there's an easement?

Mrs. Rodi: Yes

Mr. Rodi: Yeah, it's on

Mr. Glover: I can see a, I can see a line here but there's nothing shown on Mr. McCormack's map here

Mr. Rodi: I don't know, but anyway it's on the right side and goes all the way from the street, it's a storm drain it goes all the way from the street to the end of the property

Mr. Glover: okay so it's on the side of the property that is the estate of Charles Bures

Mrs. Rodi: No it's on the other side

Mr. Glover: It's the other side

Mrs. Rodi: Right, so if you're facing the house it's on the left hand side

Mr. Glover: So your easement is on the property line that is 284.58 feet right?

Mr. Rodi: right

Mr. Glover: Is that, the easement goes down back property line right

Mr. Rodi: Right

Mr. Glover: Ok

Mrs. Rodi: I don't want know how to read this thing, so

Mr. Glover: yeah it's right here, it's over here right?

Mrs. Rodi: Right

Mr. Glover: and you want to put this piece of property, you want to put your garage

Mrs. Rodi: The shed

Mr. Glover: the shed you want to put it over here

Mrs. Rodi: right

Mr. Glover: near, near what the estate of Charles Bures

Mrs. Rodi: Right correct

Mr. Glover: So you're going to encroach on what was now or formerly the estate of Charles Bures

Mrs. Rodi: Right

Mr. Glover: and when you do that you are required to be 30 feet and you're gonna be only 10

Mr. Rodi: Right

Mr. Glover: correct?

Mrs. Rodi: That's what we're asking for the variance of 10

Mr. Glover: This structure which is 18 by 24 by 20 feet high, what are you going to use it for?

Mr. Rodi: Basically, for storage

Mr. Glover: What are you going to store in the 18 by 24

Mr. Rodi: Well, my daughter

Mr. Glover: you can't store your daughter

Mr. Rodi: Well, everything that she owns is going into it, she's getting

Mrs. Rodi: My daughter just moved back, she had a 3 floor condo. She's getting divorced and now where we have 2 homes into one so we need to store stuff somewhere

Mr. Rodi: We need to store furniture and stuff and we have already filled our house up our garage up. We rented a storage unit, I mean it's just crazy right now and that's why we're looking for a storage place, but we don't know how long she's going to stay there, you know stay home. If I build this here she can stay as long as she wants

Mr. Glover: and you're going to put it right next to the house is that correct? Put it right in the area of the house

Mrs. Rodi: Yes about 4 feet

Mr. Glover: right I don't think you're going to join it to the house

Mrs. Rodi: No

Mr. Glover: you're going to put it next, right beside the house

Mr. Rodi: Correct

Mr. Glover: Is it going to have a foundation under it or is it just a shed?

Mr. & Mrs. Rodi: Just a shed

Mr. Glover: So no heat no water

Mr. Rodi: Oh no, no

Mr. Glover: your daughter is going to freeze living in that shed

Mrs. Rodi: She's not living there, unless she doesn't behave, she might

Mr. Glover: is the, is the pool still there

Mrs. Rodi: No

Mr. Rodi: No, everybody keeps asking us about that

Mr. Glover: well it's right on the property line, that's why

Mrs. Rodi: I know, that's been down about 15 years, no that's been down about 15 years

Mr. Conklin: What are these other structures?

Mrs. Rodi: There's a little shed on the side of the house I don't know if it's in the photo, it's like, it was the kid's playhouse which is going to be knocked down and that's where the new shed would be right just close to it

Mr. Conklin: What are the other structures you have in this aerial photo?

Mrs. Rodi: Let me see it

Mr. Cavallaro: There's one, two, three structures there

Mrs. Rodi: One is the shed

Mr. Rodi: One is a small like a garden shack you know that I put all my garden tools and everything in

Mr. Cavallaro: Which one is that?

Mr. Rodi: that's the one in the back

Mrs. Rodi: Yeah, that's where he has his workshop

Mr. Glover: they're putting the cart before the horse over there

(unclear)

Mr. Glover: Alright, so you have a shed a 18 by 24, 20 feet tall, and you're

Mr. Rodi: Almost 20 feet

Mr. Glover: you're going to put it next to what was now or formerly Bures property. It's supposed to be 30 feet, it's only going to be 10 feet

Mrs. Rodi: Correct

Mr. Glover: and you are doing that so you can store your daughter's stuff

Mrs. Rodi: And some of mine

Mr. Glover: let's not go there, alright,

Mr. Conklin: no water, no

Mrs. Rodi: No

Mr. Glover: you'll have a stone floor right?

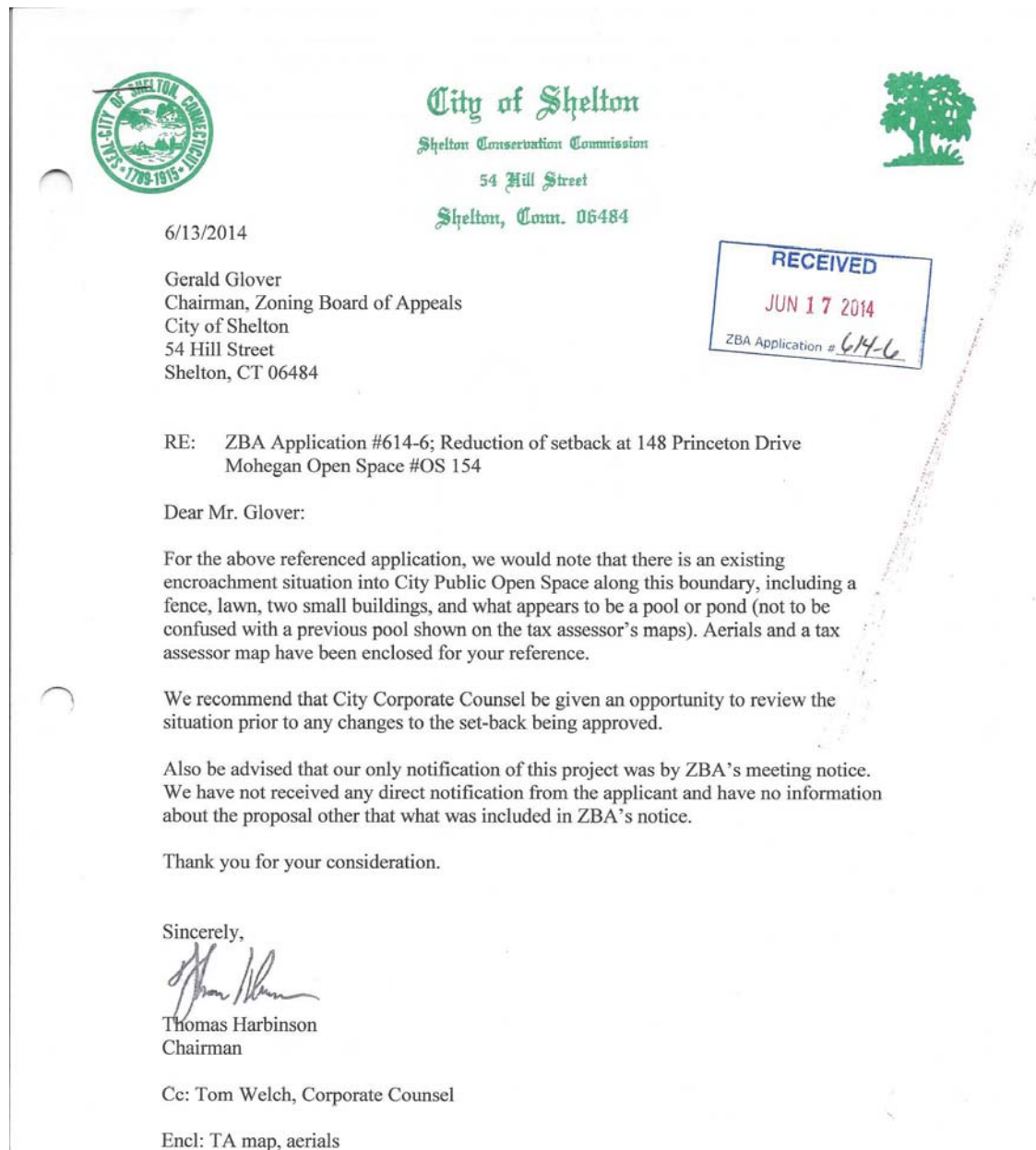
Mrs. Rodi: right, yes, just a gravel, is that what they call it?

Mr. Rodi: yeah

Mrs. Rodi: gravel base

Mr. Glover: Let's find out if there is anyone in favor of this. Is there anyone in favor of this application? (no response) Anyone in favor? (no response) Is there anyone opposed? (yes) You have opposition

Mr. Jones read letter:



Mr. Glover: What's the date on that, Jamie?

Mr. Jones: This is dated June 13, 2014

Mr. Glover: and June 9th, right? Is that what it says?

Mr. Rodi: I have the other receipts

Mr. Glover: We have it signed by the town clerk on the 9th of June. So the reference in there that haven't received it is because it hasn't gone from one department to the other. The applicant has made an attempt, made the attempt to make the notification. We have a signed receipt for that, so that's just one point of that letter, but they did notify the town and the town obviously didn't notify the Conservation Commission. So they're saying there's an encroachment because of a pool and a fence.

Mr. Jones: What appears to be a pool or pond, not to be confused with a previous pool shown on the tax assessors map

Mr. Glover: Has anybody contacted you about having a fence or

Mrs. Rodi: We don't have, oh wait a minute, we do, we have at the end of the property there's this falls, we do have what they call a rail fence, but that's been there 25 years

Mr. Rodi: Yeah, since we've been there

Mrs. Rodi: we've been there 30 and there's a fence there

Mr. Rodi: ever since the kids were small, we didn't want them to hit that part of the yard.

Mr. Glover: I don't know what to tell you, this is 2014. Here's a picture they provided us. It looks like, there is the property line and there is some structure there and something here and something here.

Mrs. Rodi: Alright, this is the small shed that's going to be torn down. This was actually a dog house, this is the kid's playhouse

Mr. Glover: What's this

Mrs. Rodi: This is a gazebo

Mr. Glover: So they're saying that you have a gazebo on conservation property

Mrs. Rodi: Actually, look at the line

Mr. Glover: There's where the line is

Mr. Rodi: I didn't know, I didn't know that

Mr. Conklin: Is there an A-2 survey or something to find out

Mr. Glover: did you want to see it, the red line is

Mrs. Rodi: where the line is

Mr. Rodi: yeah, there's a big drop off over there and the fence went up when the kids were small and I didn't want them to go anywhere near the end of property there, well not the end but $\frac{3}{4}$ of the property all the way to the end so I had to put a fence up. The builder was supposed to do it and he never did, so I had to do it.

Mrs. Rodi: But it's a postage fence it's not a closed in fence, it's a rail is that what you call it you know the big

Mr. Conklin: split rail fence

Mr. Glover: Alright, is there anyone else in opposition? (no response) I asked for in favor of it, nobody's in favor of it? Anyone else in opposition? (no response). Alright, then, tell you what we are going to do, we're going to continue your hearing until next month and we're going to see what the problem is here, see what the situation is here

Mrs. Rodi: Ok thank you, very much

Mr. Rodi: Thank you.

#614-7 #77 Dimon Road, John & Cora Blanck of 77 Dimon Road, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 22 ft. for a 14'x29' addition

Mr. Glover: Good evening, would you give your names and addresses for the record

Mr. Blanck: John Blanc 77 Dimon Road, Shelton

Mrs. Blanck: Cora Blanc 77 Dimon Road, Shelton

Mr. Glover: And can you give me those receipts please? These are the receipts of your abutting neighbors?

Mr. Blanck: Yes

Mr. Glover: you've got a lot of them huh? It cost you more for the receipts than it did for the application

Mrs. Blanck: Almost

Mr. Blanck: It's a really long lot

Mr. Glover: Alright, so, pictures? That is a long lot

Mr. Blanck: Yes, the picture from the back looking up is, isn't even, because you wouldn't see the house.

Mrs. Blanck: You can't take a picture

Mr. Blanck: it's back in the woods

Mr. Glover: So what are you doing?

Mr. Blanck: Adding a bed room

Mr. Glover: onto the house

Mr. Blanck: Yes, for my in-laws that just recently moved in, elderly

Mr. Glover: So you're going to put an 14 by 29 addition onto the house and when you do it you're supposed to have 30 feet and you're only going to have 22

Mr. Blanck: Right

Mr. Glover: for your in-laws

Mr. Blanck: Yes

Mr. Glover: Your in-laws?

Mrs. Blanck: My parents

Mr. Glover: your parents, do you like your in-laws

Mr. Blanck: They're ok, they do all right

Mr. Glover: Because we can deny this

Mrs. Blanck: They built the house

Mr. Blanck: Yeah

Mr. Glover: Alright, how many bed rooms are there in the house now?

Mr. Blanck: Three

Mr. Glover: and you're served by septic system

Mr. Blanck: Yes

Mr. Glover: do you have city water there or are you well

Mr. Blanck: City water

Mr. Glover: and the addition is not going to encroach on the septic area?

Mr. Blanck: No the septic is on the other side of the property, the other side of the house

Mr. Glover: so you're telling me that this is really the only place you could put this addition

Mrs. Blanck: Yes because we have a pool right in

Mr. Blanck: There is a pool in the back

Mrs. Blanck: We didn't know they were coming

Mr. Glover: they didn't know

Mrs. Blanck: We didn't know they were coming, we put the pool in and then they

Mr. Glover: just a surprise

Mr. Blanck: Well yeah

Mrs. Blanck: They lived in Georgia and moved back here

Mr. Blanck: We threw them out 27 years ago, we bought the house from them they retired and moved south

Mr. Glover: So now they want to come back

Mr. Cavallaro: (unclear) long enough to be a burden to your kids, my theory

Mrs. Blanck: I tell my mother you left during all the good years, when kids were young and you could have baby sat

Clerk: All the needy years

Mr. Glover: Alright, so you're putting a small addition of a bedroom onto the house. There's no kitchen in the bedroom, no kitchen area or anything like that

Mrs. Blanck: No

Mr. Glover: are you adding another bathroom or are using the bathrooms that are in the house

Mrs. Blanck: No we are adding a bathroom

Mr. Glover: you are adding one bathroom

Ms. B: Yeah there's a bedroom there that's kind of disappearing and it's going to become the third bedroom

Mrs. Blanck: It's still going to be three bedrooms, but there's will big bigger and the bath will have a

Mr. Glover: and you've lived here for a long time

Mr. Blanck: 28 years

Mr. Glover: and they lived here before

Mrs. Blanck: 28 years and then 20 years before that

Mr. Glover: so it's a neighborhood

Mrs. Blanck: Yes

Mr. Glover: Alright, any other questions from the board? (no) It's going to be one story?

Mr. Blanck: Yes

Mr. Glover: Just continuing on with the house?

Mrs. Blanck: Yes

Mr. Glover: Any other questions from the board? (no) Anyone in favor of this application? (no response)

Mrs. Blanck: We have 2 letters that, I have a verbal yes from the neighbor where the side is going to be on, where the addition is going on, but they didn't (unclear)

Mr. Blanck: One neighbor has been there so long he used her maiden name

Mrs. Blanck: Yeah he used Persona, because that's my parents, name

Mr. Jones read note on notification letter: "I have no problem with what the Persano's what to do. Signed, Miles Holcomb."

Mr. Jones read letter: "June 6, 2014. Shelton Zoning Board of Appeals, 54 Hill Street, Shelton, CT 06484. To whom it may concern: We do not have any objections to granting the Blanck's a variance for reducing the left side setback from 30' to 22' for the addition of a bedroom and bathroom at 77 Dimon Road, Shelton, CT. Signed, Ruth & John Ovesny, 14 Dimon Road."

Mr. Glover: Any final questions from the Board? (no) I'll declare the hearing closed, have a nice night.

Mr. & Mrs. Blanck: Thank you

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

#614-7 "In the application of John and Cora Blanck of 77 Dimon Road, Shelton, CT for a certificate of approval for a 14'x29' addition to be located on the property of the applicants at 77 Dimon Road, R-1 zone, and which requires a reduction in the setback from the left side yard,

The application for a variance is approved.

Inasmuch as this is the only place the addition can be built due to the irregularly shaped lot, and

Inasmuch as the house will remain in harmony with the neighborhood after the project is completed,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the left side yard from 30 ft. to 22 ft. at the above is granted (Section 24, Schedule B, Standard 9) in this instance.

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.”

#614-8 20 Todd Road, Thomas Cribbins of 20 Todd Road, Shelton, CT is seeking to waive Schedule A, Use Line 45, to allow a contractor’s business and storage yard; and Section 24.7 and 24.7.6 by varying the minimum setback from the street line from 50 ft. to 5 ft.

Mr. Glover: Would you give your name and address please?

Mr. Cribbins: Thomas Cribbins, (unclear)

Ms. Cribbins: Grace Cribbins, 18 Ridge Road, Shelton

Mr. Glover: that was Grace

Mr. Byer: Eric Byer, 66 Tuchahoe Drive, Shelton

Mr. Glover: That was easy, did you notify your neighbors? Can I have those? Three neighbors, okay? Do you have pictures?

Mr. Byers: Pictures

Mrs. Cribbins: That’s me

Mr. Glover: so tell us what you’re going to do Tom

Mr. Cribbins: My speaker, my speaker is going to read her statement. She’s my public speaker

Mr. Glover: How does she do

Mrs. Cribbins: Okay Mr. Chairman, and members of the zoning board of appeals, we are the owners of Professional Tire, a local business. We opened more than 35 years ago on Todd Road. We also own a vacant lot next to our business and in the past we have rented it out to nearby new car dealers to store their inventory. We thought, as did Rick Shultz, we were still in a CB1 zone and selling mulch would d be a permitted use. Someplace in the last 35 years, the zone changed. We’ve seen many changes to the area over the years and to the rear of our property the city has allowed and then expanded the garbage recycling center. And to the right side the city has allowed The Spooner House, a homeless shelter. While there have been many challenging days for living with both uses, we have never complained. We just tried to be good neighbors. We feel that now we are limited with the ways we could develop the property and that selling mulch should be an acceptable use of the land. Next year A&M Wood will be moving most of its operation to Monroe and may only use the Todd Road as a seasonal satellite. Thank you for your consideration, Thomas

Mr. Glover: What is A&M Wood, is that

Mr. Cribbins: Monaco, he’s the guy who’s running the mulch thing

Mr. Glover: Okay, so they’re storing mulch there now and they’re expecting that next year they’re going to move out of there

Mr. Cribbins: Most of their operation will, they might bring in some next year and next spring and then sell some to local business people here but their main operation will be in Monroe

Mr. Glover: Your, your variances for minimum setback from the street line from 50 to 5 feet, well, what does that mean are you asking to put a building

Mr. Cribbins: No, no, there's no building

Mr. Glover: That's what I'm trying to keep track

Mr. Cribbins: No, no

Mr. Glover: So you're just looking to store the mulch

Mr. Cribbins: Correct

Mr. Glover: within 5 feet of your property line

Mr. Cribbins: Correct

Mr. Byers: And there's mafia block blocking the mulch from going onto the road

Mr. Glover: Are those those concrete blocks

Mr. Cribbins: Yes, they probably have a better name

Mr. Glover: We're not familiar with, what mafia? block

Mr. Byers: That's what we call them in the trade

Mr. Glover: Alright, so see our problem is if we give you a reduction of the setback from 50 to 5 feet we don't really have a definition of what what we are giving you a variance from. If, in other words, if I, if we granted you a variance for 5 feet presumably you could put a building within 5 feet of the property line cause that is what the variance is for

Mr. Cribbins: Yeah, no, no building

Mr. Glover: I understand that, but that's we have to define, define that to prevent that from happening because you could sell that property to somebody else and they could come in here and say oh no we can go within 5 ft. and they can do that

Mr. Cavallaro: The variance goes with the land

Mr. Glover: It stays with the land forever

Mr. Jones: Can they just get a variance for mafia blocks

Mr. Cribbins: I like him

Clerk: how do you spell that? M-A

Mrs. Cribbins: Mafia, M-A-F-I-A, I'm Italian

Mr. Glover: do you understand what I'm saying

Mr. Byers: Yeah we got that, we didn't even think it like, you know we're talking now but

Mr. Glover: Right, you're talking now and I understand what you're saying that next year they're going to move to Monroe, but when, after they move to Monroe that variance is in place forever

Mr. Cavallaro: Mafia blocks (unclear)

Mr. Byers: We can't take them or lift them

Mr. Glover: we can't give you a temporary variance, we either give you a variance or we don't give you a variance and,

um

Mr. Cribbins: Who would be in the vicinity of being how much footage from the city road

Mr. Glover: that's what I'm trying to, I'm trying to figure how to accommodate you and protect the city at the same time

Mr. Cribbins: Is 30 feet acceptable?

Mr. Glover: I don't know, it's not for, how big is the, how deep is your property

Mr. Cribbins: Well it goes back 400 ft. on that side but it's stuck into the ledge

Mr. Glover: I know it's stuck up in the ledge

Mr. Cribbins: Yeah

Mr. Glover: yeah how far is Professional Tire's building from the street

Mr. Byers: 55 feet?

Mr. Cribbins: 50 something feet

Mr. Glover: have they hit you with a cease and desist order to tell you to stop

Mr. Cribbins: Well yeah they did

Mr. Glover: they did they've already wacked you with that

Mr. Cribbins: Well they sent, and Rick said, as long as you are doing working toward seeking relief here

Mr. Glover: nobody's going to bother you

Mr. Cribbins: Right as long as we're seeking relief

Mr. Glover: right, okay, do have a copy of that map or is that the only one you got

Mr. Cribbins: You should have extra copies

Mr. Glover: you want me to look at the file, too?

Mrs. Cribbins: What if, I have a question. Can I speak?

Mr. Glover: No, if you gave your name you can speak

Mrs. Cribbins: What if they took the mafia blocks away from the road side and just left the mulch you know, dirt

Mr. Glover: I don't, I don't, I think there's 2 issues. I think there's an issue of the mafia, the mafia blocks 50 ft. to 5 ft., the concrete blocks, how's that. There's two issues. One of them is you're required to be 50 ft. and you're only 5. The other issue is the use. It's, it's, you're asking for it to be a contractor's business

Mr. Cribbins: That's what Rick said it was

Mr. Glover: right, and a contractor's business is not allowed in that area, because as you say, they changed the zone

Mr. Cribbins: I think my brother did that actually

Mr. Glover: I think you're probably right. And then he moved to Texas didn't he?

Mr. Cribbins: Yeah

Mr. Conklin: And again, we can't give a temporary contractor's yard

Mrs. Cribbins: What about a landscapers yard, isn't it more of a landscaping than contracting it's only a bunch of dirt and mulch

Mr. Cribbins: But if the issue is well taken, things like that are, they don't want to approve it and I wouldn't want to approve it either if (unclear)

(several talking at once)

Mr. Glover: When you are through visiting here, we'll go back to having a hearing here. Tell me what's behind you

Mr. Cribbins: The Winter Brothers

Mr. Glover: I know, but tell me what Winter Brothers is for the record because the judge doesn't know Winter Brothers

Mr. Cribbins: it's a garbage transfer station

Mr. Glover: and behind that is Brennan

Mr. Cribbins: Correct

Mr. Glover: up in that area

Mr. Cribbins: Right, yes heavy equipment

Mr. Glover: So there is some construction

Mr. Cribbins: And you've got 300 tractor trailers going into Winters every day

Mr. Glover: ok

Mr. Cribbins: And we also in the summertime we put up with the stench from the dump

Mr. Glover: across the street by Viking Tool isn't there a contractor's yard

Mr. Cribbins: Yeah, Mucci, Mucci's, Mucci Construction

Mr. Glover: Mucci's over there, so it's not unusual for a construction yard to be in there, although it's not zoned for it now there are similar uses

Mr. Cribbins: Correct, correct

Mr. Glover: ok

Mr. Conklin: What was that other Todd Road (unclear)

Mr. Glover: there's a veterinarian there

(unclear)

Mr. Glover: that was a there was a veterinarian I think there

Mrs. Cribbins: You told them about the nursery school

Mr. Glover: how long have they been selling the mulch out of there

Mr. Cribbins: A couple of months now

Mr. Glover: ok so it's a relatively new

(unclear)

Mr. Cribbins: Actually, he used to be up in Winter Brothers in back and Winter Brothers told them they had to move because the city, they expanded Winter Brothers. They used to be up on Oliver Terrace and Winter Brothers had a huge expansion and so they told them they had to move out and so they said

Mr. Glover: Winter Brothers told them

Mr. Cribbins: Right

Mr. Glover: not the, the city didn't tell them, Winter Brothers told them

Mr. Cribbins: Correct

Mr. Glover: Winter Brothers said we want the space

Mr. Cribbins: Right for their garbage dump

Mr. Glover: ok

Mr. Cavallaro: They own the land, though

Mr. Cribbins: Right

Mr. Cavallaro; Yeah that mulch place was up there a long time

Mr. Conklin: Where to you enter this mulch area?

Mr. Cribbins: It comes out on Professional Tire's driveway

Mr. Conklin: It comes out on Professional Tire's and goes in

Mr. Cribbins: Yeah, oOne in one out

Mr. Glover: and when are you moving, when is he moving away next year?

Mr. Cribbins: Monaco?

Mr. Glover: yeah

Mr. Cribbins: He's closing on his properties as soon as he can in Monroe and actually the mulch season is pretty much over now so that's you know you don't sell mulch in November

Mr. Glover: and next year at this time he might not be there

Mr. Cribbins: He might not

Mr. Byers: He may not

Mr. Cribbins: But if he wants to come back in next April, then it would be on a smaller scale because he would have, you know, all of his equipment and everything in Monroe

Mr. Glover: Alright, let me let me run through the numbers here first, stick with me here, does the Board have any other

questions right now?

Mr. Conklin: I noticed you're saying you came in from this direction, how come you didn't put the things buried into the hill there so you're off the road

Mr. Glover: but even if they did it's not they're not a permitted use

Mr. Conklin: Well I'm asking one of the issues

Mr. Glover: ok

Mr. Cribbins: Yeah, they can't really go any further too much because there's ledge right there right to the end, and it just fits how it is, coming in on our property and then backing in and then the guys come back in and then they leave

Mr. Conklin: Alright

Mr. Glover: any other comments for now? (no) Alright, is anyone in this room who is in favor of this application?

Mr. Cribbins: I am

Mr. Glover: Except for you. Is there any one here who is opposed to this application? (no response). Okay we're going to continue this hearing for another month

Mr. Cribbins: Okay

Mr. Glover: keep selling your mulch

Mr. Cribbins: Ok

Mr. Glover: Rick Schultz is right, as long as you continue on looking for help you can stay there

Mr. Cribbins: ok

Mr. Glover: in the meantime, I'm going to try to find out what is allowed there, what can you do with your property

Mr. Cribbins: And and we're limited with our neighbors now

Mr. Glover: right

Mr. Cribbins: You know, we

Mr. Glover: but I mean I don't know that there is or isn't a hardship that, with the neighbors that are there with the use that you might be able to use your property for, there may be a legitimate hardship that it's useless unless you do have some kind of a variance

Mr. Cribbins: Being next to the homeless shelter, we deal with the homeless issues, women being held down in the street while DCF agents are pulling screaming children out of their arms. Nine police officers surrounding the building with their guns out because one of their clients robbed a drugstore in Stratford with a machete; these are the things that we put up with, with the homeless shelter

Mr. Glover: Do they need tires?

Mrs. Cribbins: Not unless they put them on those little carts that they push down the street

Mr. Cribbins: No they don't, they absolutely don't, they walk in the middle of the road pushing their baby carriages and you can't get down the street you've got to go 10 miles an hour

Mr. Glover: Let's a, we're going to continue this so that I can try to find a way to word it and try to find a hardship so

that you can you can use it

Mr. Cribbins: The continuance is because of the 5 ft. to the 50, correct? I mean whatever is okay?

Mr. Glover: whatever you've asked for, to try to find a way to resolve the situation, I'm not saying get around it, I'm not saying to hurt the city or to sneak something in, but let's find a way to see if we can make it work. I'm not smart enough right now to do that

Mr. Cribbins: It's late at night

Mr. Glover: It's late at night.

Mrs. Cribbins: When you say, what

Mr. Glover: We'll be here next month and we'll figure it out then

Mrs. Cribbins: next month and we'll post it and

Mr. Glover: You don't have to post anything. You don't have to do anything else.

Mrs. Cribbins: Do we have to, do we come back?

Mr. Cribbins: Does she have to write new letters?

Mr. Glover: No

Mr. Cribbins: and that's the second Tuesday of the month?

Mr. Glover: Third

Mr. Cribbins third Tuesday?

Mr. Glover: Yes.

Mr. Cribbins: and can it be worded that the setback is 5 feet for mulch but 50 feet for a building?

Mr. Glover: I don't know. Thank you

Mr. Cribbins: Thank you.

#614-9 14 Longview Road, Dennis Della Gioia of 14 Longview Road, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 10 ft. for a 32x39 detached garage.

Mr. Glover: Is the applicant here this evening? (no response) Alright, we'll continue this hearing, that hearing until next month.

#614-10 10 Windy Acres Drive, Marcus Puttock of 10 Windy Acres Drive, Shelton, CT is seeking to waive Section 24.12.5, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 13 ft. for a 16x30 above ground pool.

Mr. Glover: Would you give your name and address for the record please?

Mr. Puttock: Marcus Puttock, 10 Windy Acres Drive, Shelton, CT

Mr. Glover: Marcus, do you have some receipts?

Mr. Puttock: I do

Mr. Glover: and some pictures? Sorry you had to wait so long.

Mr. Puttock: it happens

Mr. Glover: You were just lucky there were no suits here tonight. You want to put a pull in the backyard?

Mr. Puttock: I do

Mr. Glover: Okay, and I can see from the shape of the property that it's a unique shape

Mr. Puttock: yeah, it's an odd shape

Mr. Glover: I can see that the setback lines mean that you really can't build anything within the setback lines, including the existing house which is side(unclear)

Mr. Puttock: Indeed

Mr. Glover: the shed's outside, the porch is almost outside it, so the only place that you can put this pull is outside the setback line

Mr. Puttock: it is and still be within the, I mean because the way the regulation is worded, it has to be behind the front line of the house anyway, so there isn't anywhere behind the front line of the house that isn't my septic system or (unclear) rear setback

Mr. Glover: Is that your septic system in the front?

Mr. Puttock: the septic system is on the side and it's shown on the map at, the two dashed lines along the side of my driveway there

Mr. Glover: Okay, that's your

Mr. Puttock: that is a new septic system and the reserve is down the hill from it so I can't put a pull down there

Mr. Glover: How much land do you have here?

Mr. Puttock: Um, .9 acres

Mr. Glover: Alright, so this is the only place to put the pool, it's in the ground or above ground?

Mr. Puttock: above ground

Mr. Glover: Where is the filter going to be?

Mr. Puttock: underneath the deck of it

Mr. Glover: toward the house, not toward the house of Mr. Callahan? Is that your neighbor's name?

Mr. Puttock: yes

Mr. Glover: it's not near him, it will be near you?

Mr. Puttock: it'll be nearer to me, yes

Mr. Glover: so you will hear the noise, he won't

Mr. Puttock: Indeed

Mr. Glover: right?

Mr. Puttock: yeah, he's pretty far away, I printed out the Assessor's map to show you my house, the houses behind me and the houses here each have a pool. I mean his pool is 110 feet from the property line, his house is 150

Mr. Glover: And yours is going to be right here

Mr. Puttock: and mine will be right there, 13 odd feet off, so it'll still be 123 feet away

Mr. Glover: And you're going to take permits

Mr. Puttock: Yes

Mr. Glover: the necessary permits involved that are necessary to building codes

Mr. Puttock: For the pool, yes

Mr. Glover: Any questions from the Board? (no)

Mr. Puttock: I uh have a

Mr. Jones read letter: "As a neighbor I have no objection regarding putting in a pool. Tony"

Mr. Jones: is the name Pjura?

Mr. Puttock: Yeah, Anthony Pjura

Mr. Glover: Anyone in favor of this application? (no response) Anyone opposed to the application? (no response) Any final questions from the Board? (no) Thank you Marcus, have a nice night. I declare the hearing closed. Good luck with your pool.

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

#614-10 "In the application of Marcus Puttock of 10 Windy Acres Drive, Shelton, CT for a certificate of approval for a 16x30 above ground pool to be located on the property of the applicant at 10 Windy Acres Drive, R-1 zone, and which requires a reduction in the setback from the rear property line,

The application for a variance is approved.

Inasmuch as it is the only place on the property the pool could be place, and

Inasmuch as it is in harmony with the neighborhood, and

Inasmuch as the parcel is an irregularly shaped lot,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the rear property line from 30 ft. to 13 ft. at the above is granted (Section 24.12.5, Schedule B, Standard 8) in this instance.

This certificate of approval is contingent on the following stipulations: 1. The applicant shall take a building permit prior to erecting the pool; 2. Shall provide any necessary safety features including a fence that may be required by the building department; and 3. Shall place the pool pump on the side of the pool closest to the petitioner's house.

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.”

#614-11 15 Ann Avenue, Krzysztof Puchlik of 15 Ann Avenue, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 7 by varying the minimum setback from the street line from 15 ft. to 8 ft. for a 12x26 detached garage.

Mr. Glover: Good evening

Mr. & Mrs. Puchlik: Good evening

Mr. Glover: it's still evening isn't it? It's not morning yet?

Clerk: It's not that bad

Mr. Glover: Can I have your name and address for the record please?

Mr. Puchlik: Krzysztof Puchik, address is 15 Ann Avenue, Shelton, CT

Mr. Glover: Okay, and do you have some receipts that you notified your neighbors?

Mr. Puchlik: Uh no,

Mr. Glover: you didn't?

Mr. Puchlik: I did spoke with them and when I was speaking with people upstairs they said it was a corner lot and they said I really don't have any neighbors and where I'm putting everything they said it's okay

Mr. Glover: Yeah, well, they don't know what they're talking about.

Mr. Puchlik: Okay. And also the application says detached garage, it's actually attached garage

Mr. Glover: That's even better. Did they help you fill this application out?

Mr. Puchlik: yes

Mr. Glover: That explains it. Alright, so you have a 12x26 attached garage

Mr. Puchlik: Yes, that's correct

Mr. Glover: and when it's attached it will be 8 feet from the property line when it's supposed to be 15 feet from the property line?

Mr. Puchlik: correct, from the Walsh

Mr. Glover: Okay, um, the good news is you made some nice pictures. The bad news is you have to go out, back and notify your abutting neighbors and come back next month. You don't have to pay any more money, but you have write a letter to this neighbor. Is this your property here?

Mr. Puchlik: Yes, so I have only one neighbor that

Mr. Glover: You have to write him a note and send it by certified mail and bring me back the receipt that tells us that you told him.

Mr. Puchlik: Even though I'm not doing anything on his side?

Mr. Glover: Isn't his right here?

Mr. Conklin: (unclear)

Mr. Glover: that's his property line so he's got a neighbor right here

Mr. Conklin: it doesn't make sense, why does he got, that guy has street frontage on two sides too?

Mr. Glover: Yeah, I know

Clerk: It's a corner lot inside a corner lot?

Mr. Cavallaro: his inside corner and outside corner?

Mr. Puchlik: Even though I'm not doing anything on his side?

Mr. Glover: It doesn't make any difference. The regulation says that you have send him, just this guy, just this person, you just have to send him a note saying this is what you're doing

Mr. Conklin: a registered letter

Mr. Glover: A registered letter telling him that's what you're doing. And then you come back

Mr. Puchlik: and he has to respond right?

Mr. Glover: No, he does not have to respond, you just have to, you just have to send it to him. He has to be notified that you're doing it. He does not have to respond, he does not have to come here, he does not have to do anything. He has to have been notified

Mr. Cavallaro: You just need the receipt from the post office, that's all you need is the receipt. He doesn't have to send the green card back

Mr. Glover: And you have to come back here

Mr. Puchlik: Uh, my question is, let's say if I get (unclear) what about the 8 feet, would that be something we can discuss, because if you guys say that it can't happen, the 8 feet, I'm going to have to come back

Mr. Glover: I can't tell you whether you can or not because we have to have a hearing. We have to have him have the ability, I mean I could say I have no problem with 8 feet and he could come in here and say I hate the 8 feet.

Mr. Puchlik: I already spoke with him.

Mr. Glover: I can't tell you whether you have a problem or you don't have a problem. All I can tell you is in order to have the hearing, you have to notify him.

Mr. Puchlik: I just spoke with him, I didn't have, I don't have anything on paper

Mr. Glover: You have to send him a registered letter and come in and tell us. And we'll continue it until July. You don't have to do anything except send a letter and bring the receipt. Okay? The good news is we don't have very many applications next month so you won't be here

Clerk: it's right here

Mr. Glover: What?

Clerk: It says it right there.

Mr. Glover: Yeah, it's right on the application.

Mr. Puchlik: (unclear)

Mr. Glover: thank you.

Mr. Puchlik: thank you.

Approval of Minutes

During the work session the Board, upon motion by Commissioner Cavallaro and seconded by Commissioner Jones, unanimously voted to approve the minutes of the April 15, 2014 meeting as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk