

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, June 16, 2015 at 7:30 PM

AGENDA:

- #515-1** **61 Sharon Court**, J. Alan Clapes of 61 Sharon Court, Shelton, CT
- #515-2** **9 Great Oak Street**, Mike Kubowski of 9 Great Oak Street, Shelton, CT.
- #415-2** **425 River Road, Map 66, Parcel 230**, Mike Ballaro of 14 Boehm Circle, Shelton, CT
- #515-3** **1 Pochong Trail (Lot #1)**, Gary Todice of 115 Yutaka Trail, Shelton, CT
- #515-4** **6 Pochong Trail (Lot #2)**, Gary Todice of 115 Yutaka Trail, Shelton, CT

Commissioner Conklin: Good Evening Ladies and Gentlemen. Welcome to the June meeting of the Board of Zoning Appeals. We meet monthly to consider zoning variances and zoning regulations and appeals of zoning department decisions and actions. When your application is called please come up to the table. To start the hearing our regulations require that you have your placard at your house, that you provide four pictures one of them showing the placard and receipts indicating that you notified your abutting neighbors of the hearing tonight. If you don't have these we will reschedule the hearing for the next meeting. When you come in front of the board you are giving testimony. This is a hearing. If the decision made by this board at the end of the hearing is challenged and taken to the next level – it is the recorded testimony that is presented not any member of this board. Our minutes are transcribed verbatim. The two recorders on the table up here can only record one person talking speaking at a time. So please turn off or mute your cell phones. And if you have to take any conversations please take them out in the hall. Present tonight are Commissioners Jim Orazetti, Commissioner Linda Adanti, our clerk who is Britney Gannon, myself Ed Conklin, to my right is Commissioner Jamie Jones, and to his right is Bryan Vassar.

Commissioner Jones: To Whom It May Concern – the following having applied to the Shelton Board Zoning Appeal for a certificate of approval public hearing of such applications shall be heard on Tuesday, June 16th, 2015 at 7:30 PM in the hearing room of the municipal building 54 Hill Street, Shelton, CT. First one.

Commissioner Jones: **61 Sharon Court J. Alan Clapes of 61 Sharon Court**, Shelton, CT is seeking a waiver to Section 24, Schedule B, Standard 11 by reducing the minimum rear lot setback from 40' to 30' for an attached front porch 8' by 40' to an existing house.

Commissioner Conklin: Is the applicant here. Please come up. Do you have your pictures and your receipts.

Unidentified voice: I've got it all.

Commission Conklin: Ok

Unidentified voice: My receipt package that you are welcome to.

Commission Conklin: Ok

Unidentified voice: There's uh I have an interior lot - unclear – so here is a picture of my driveway – it was posted on my mailbox at the end of the driveway on the street so that's what – that's why it looks like that. Here's my pictures – front, rear, left side, right side.

Commissioner Conklin: OK. Tell us what you're trying to do and why you can't meet the regulations.

Unidentified voice: Basically we would like to have a nice, big front porch on our house, um - enjoy our view of our front yard. Um - I'm told because of an interior lot requirement is 32 feet from the side – uh 40 feet and we are at approximately 30 to 32 feet so we are petitioning to uh be allowed to put on my porch which will be inside of the – there's a current variance that's approved for the house for that same setback so I'm inside of that so that's all I'm trying to do.

Commissioner Conklin: OK. Can I see the pictures one more time. I thought that the setback for this house was on the side yard.

Unidentified voice: Right

Commissioner Conklin: Over here

Unidentified voice: Right

Commissioner Conklin: But you're trying to put it on the front here

Unidentified voice: Right.

Commissioner Conklin: Ok

Unidentified voice: This is why I'm scratching my head why I need another approval because of this side yard variance - so looking at the house this is the side that is already approved.

Commissioner Conklin: Right – that's the distance from the side of that house to the side. But from the front of your house to the - your lot line is still 40 feet.

Unidentified voice: Oh – that's more than – oh on the front – you're talking front here

Commissioner Conklin: Yes

Unidentified voice: Oh yeah that's

Commissioner Conklin: Do you have a plot plan?

Unidentified voice: Yeah- yeah

Commissioner Conklin: Can we keep this for the record

Unidentified voice: Absolutely – that's the only problem I had was that – so I'm scratching my head – if the house is already approved to that set back – why am I required to get approved again with a porch that's inside of that approved set back. Which I have no problem doing but I don't quite understand it.

Commissioner Conklin: I can't see why either.

Unidentified voice: Ok well that's what I'm looking to do sir

Commissioner Conklin: Yeah because uh you've been approved - this corner is - this corner is 32 feet also

Unidentified voice: Um hum

Commissioner Conklin: Right

Unidentified voice: Yes

Commissioner Conklin: This house is parallel to the edge of that lot

Unidentified voice: Yes

Commissioner Conklin: So it's not getting any closer

Unidentified voice: Correct so I kind of penciled in where I'm putting the porch

Commissioner Conklin: Yep that's into the front yard I mean the rear lot is supposed to have a 40 foot setback on all sides of the house

Unidentified voice: Um hum

Unidentified voice: Uh for a rear lot

Commissioner Conklin: Alright

Commissioner Adanti: Can I see that please

Commissioner Conklin: Yeah

Commissioner Conklin: Do you – I know there was a variance given for that right side I looked it up

Unidentified voice: I verified it also sir

Commissioner Conklin: I'm sorry for the left side

Unidentified voice: Yeah yeah

Undistinguishable voice

Unidentified voice: So I came down to see Alton Flyer and they advised me that Planning and Zoning

Commissioner Conklin: No

Unidentified voice: Had come forward so

Commissioner Conklin: Cause when I went up and asked I'm wondering if because the previous owner who the previous owner is

Unidentified voice: Um hum

Laughter

Unidentified voice: You spend a lot of money – that's ok

Commissioner Conklin: He just wants to make sure that -unclear voices – Rick Schultz used to own this house.

Commissioner Jones: Oh

Unidentified voice: So this is his house

Commissioner Conklin: Yes - Alright – is there any other questions

Commissioner Adanti: No sir

Commissioner Conklin: From the board

Commissioner Vasser: Any objections

Commissioner Conklin: I mean I can't – I cant' see – It's - he can decide he's going for the variance on from here which is the front of the house – from there is well over 40 feet. So

Commissioner Adanti: Undistinguishable – any objections?

Commissioner Conklin: Ok - No - Any further questions – alright – let’s clear the seat over here. And close that.

Commissioner Vasser: I didn’t hear if there were oppositions.

Commissioner Conklin: Ok - Is there anybody in favor?

Commissioner Conklin: Anybody in opposition?

Commissioner Conklin: OK – being so no – let’s declare the hearing closed.

Commissioner Jones: Next one **9 Great Oak Street, Shelton CT Mike Kubowski of 9 Great Oak Street, Shelton, CT** for a waiver of Section 24, Schedule B, line 9 by reducing the right side set back from 30’ to 10’; a waiver of Section 24, Schedule 12 to allow for an oversized door for a permanent accessory structure.

Commissioner Conklin: Your receipts, pictures

Unidentified voice#2 Pictures - this is the picture with the sign posted – it’s on the street – picture at the end of the driveway where we would like to put the shed and the other pictures are just some of the hardships of the property so – unclear voice.

Commissioner Conklin: Ok can you tell us what you are trying to do and why you can’t meet the regulations.

Unidentified voice#2 We are trying to build a shed, RV garage on our property (background voice Commissioner Conklin – this is on the other side) to do two things, one to store an RV which is a big investment and not leave it in the driveway – unclear weather - and also to be able to keep all of our lawn equipment in this shed. The property currently has a few small sheds that the previous owner – when I purchased the house had and the property was not in the best of shape two years ago when I bought it as you can see on a couple of those pictures . It was really overgrown, there was a pool – unclear voice – disarray - that’s all been filled in and I promised to get rid of all those small old sheds and just replace them with one big structure. A - one structure.

Commissioner Conklin: Ok – what’s your hardship?

Unidentified voice#2 Uh the hardship is the property is .77 acres and zoned for an area for about approximately one acre.

Unidentified voice#3: A non conforming lot.

Unidentified voice#2 There’s also wetlands in the back and east - south east corner of the property so nothing can be built there. It was behind the pool house originally – it was a wetland area. A drain running to the storm drain on the street.

Commissioner Conklin: Ok - Can you show us where the wetlands are?

Unidentified voice#2 Sure. So on the left side of the property back here in the wooded area is the wetland area. The pool was originally here – there’s a picture over – there’s a picture somewhere showing the pool which has been since

Commissioner Vasser: Can you point it out on.

Unidentified voice#2 Oh right here. So I’m basically on the left side of the property – right here is the wetlands

Commissioner Conklin: Is that wetlands by definition of inland wetlands or

Unidentified Voice#3: We’re not quite sure but I’m undistinguishable

Unidentified voice#2: It's my father

Commissioner Conklin: Yes

Unidentified Voice#3: Well we talked to zoning – there was some behind the pool area considered wetlands

Commissioner Conklin: Ok - Can you give your address for the record to please

Unidentified Voice#3: I reside at 58 Johnson Street

Commissioner Conklin: Ok

Unidentified Voice#3: Uh I'm just - just about a mile down the street – unclear – and that was when we took a permit to build that pool that we were informed that behind the pool house which was behind the pool uh that was some wetland – considered wetlands and also we discovered there was a drain pipe - storm drain or something a concrete drain pipe which drains to the city uh to the street. Which doesn't show on the

Commissioner Conklin: Do you have an easement on your deed?

Unidentified Voice#3: No

Commissioner Conklin: There is no easement on your deed.

Unidentified Voice#3: Yeah – yeah when I went to zoning and showed them this application uh uh Tom Dingle helped with the application – talked to wetlands person in the office and there is no record of a pipe exist. So anything building on that side of the property is out of the question.

Commissioner Conklin: Ok – why can't the shed be moved over with the driveway

Unidentified Voice#3: Uh I think the only logical place will be on the end of the driveway or thereabouts other then building this thing in the middle of the yard. It will just kind of look awkward and will take most of the space – we - and another point I would like to make that we will try to minimize cutting any trees so oaks and nice trees which we have in the back yard. This location would require almost no removal of any trees whatsoever. So kind of you see the property

Unidentified Voice#2: The driveway is – it's only a few feet from the front – it's maybe five feet – the edge of the driveway. Unclear – The edge of the driveway is only five feet or so from the property line. So the house is really far over on the right side of the property. Yeah the edge of the driveway here – the property line is here – and the edge is – it's about five feet here so we're - like you said moving it 30 feet in puts it behind the house – unclear voices.

Unidentified Voice#3: It would be probably very hard to get to – you know – trying to kind of waive it uh uh

Commissioner Conklin: One of the biggest problems is the height of this garage door. Because of commercial vehicles.

Unidentified Voice#3: Well uh uh I would like to point out that uh in our neighborhood we counted probably six or seven oversized garages and right across the street from where I live it's a two car garage with at least 12 feet door high. So it's not like it's out of order in that area. We the only ones going to have that.

Commissioner Conklin: Yeah but they enacted a law recently that I mean that because of commercial vehicles – you have to understand that once we give this variance it's forever on that property – it's not just for you – we cannot restrict it to an RV.

Unidentified Voice#3: We understand

Commissioner Conklin: The person who buys a house in the future could turn around and use it for commercial vehicles.

Unidentified Voice#3: Well we intend – this is a rough drawing of the proposed garage – this would not resemble in any shape or form a commercial door – we would put a residential door either a raised panel with lights in it.

Commissioner Conklin: I know that but they can still use it in the future for commercial vehicles in there

Unidentified Voice#3: Uh well he's not going to do that – he just got the house and he's still young. Laughter and voices.

Commissioner Conklin: Well that's what I'm saying – the problem is that – when you give a variance it's forever on that piece of property. It's not just for you or this one building being built.

Unidentified Voice#3: Yeah uh

Commissioner Conklin: Including the side yard, setback or everything

Unidentified Voice#3: It's uh – is there any way we can accommodate this uh? If you feel that the height of the door is a big issue, uh make the door smaller – would – with a removable panel which would be finished the same-way as a siding

Commissioner Vasser: It's not the appearance – it's not the appearance.

Unidentified Voice#3: Not the appearance.

Commissioner Vasser: It's the ability of a commercial vehicle to go into the structure so if we approve it down the line if the house is sold many many years from now somebody can drive in back hoes, um commercial dump trucks not saying that they will but they will have the ability to do so and that is the reason

Commissioner Conklin: The town has a restriction – what he's saying once we give it to you what he's saying it can go on with no restriction and that is what the problem is.

Unidentified Voice#3: But I think the property would most unlikely used for commercial being a side

Commissioner Conklin: Well the reason - why - that rule that zoning restriction was put in place because people started doing it. That's where the problem came about.

Unidentified Voice#3: Uh uh I would just like uh – I would like an exception for us. Laughs – You know it's just us but. There would be no other way out of keeping the RV outside. You know that would probably be the worst for our neighbors – unclear - I think they would like to see this type of garage and an RV on the side other than being in the driveway. All the time.

Commissioner Vasser: That may be true but the issue with the commercial vehicles being in that garage in the future possibly doesn't go away. Uh just doesn't go away. There is no way you can control it – I can't control it which is why the Code was changed. For that reason - because - people were doing it. They would come in with the same idea – no commercial vehicles are ever going to be in there – lo and behold the property is sold – commercial vehicles.

Unidentified Voice#3: Well we understand that – unfortunately there is no RV on the market today that would be less than 8 feet tall. So uh - So that's – so if you want to keep it inside – that's the only way it can be done.

Commissioner Conklin: Ok – you guys have any questions?

Commissioner Vasser: Do you have any objections from your neighbors?

Unidentified Voice#3: I spoke to all our neighbors across the street and adjacent property and they absolutely have no problem – they even have in mind what you can see will be done to this property – he bought it on a short sale and it was really bad – unclear – they all and they admire him because he did most of the work for what became of the property from what it was. So uh – unclear – we’re not going anywhere – I’ve been in Shelton for most of my life. – Unclear – down the street – right now I don’t see a better place to live. Laughter.

Commissioner Conklin: Ok - Linda, do you have any questions.

Commissioner Adanti: No I do not.

Commissioner Conklin: Ok – any further questions. Ok is there anybody in favor of this application? Anybody opposed to this application? Ok any further questions from the board. Ok – declare the hearing closed. Alright thank you – keep all these pictures.

Commissioner Jones: Ok – do the next two together

Commissioner Conklin: Yes please

Commissioner Jones: **1 Pochong Trail (Lot #1)** Gary Todice of 115 Yutaka Trail, Shelton, CT for a waiver of Section 24, Schedule B, Line 7 by varying the required street line setback from 30’ to 20’ to allow construction of a single family dwelling with deck.

Commissioner Jones: **6 Pochong Trail (Lot #2)** Gary Todice of 115 Yutaka Trail, Shelton, CT for to waive Section 24, Schedule B, Standard 7, by varying the setback from the front property line from 30 ft. to 20 ft. and Section 24, Schedule B, Line 3 by varying the minimum lot frontage from 75’ to 64.94’ to allow construction of a single family dwelling with a deck.

Unidentified voice #4: Ok - These are the notifications.

Commissioner Conklin: Ok Can you give your name and address.

Tracy Lewis: My name is Tracy Lewis, I’m a licensed land surveyor, Lewis Associates. My office is at 260 Main Street, in Monroe.

Commissioner Conklin: Ok – you going to talk

Unidentified voice #4: It’s a little confused so I think I’ll let him

Commissioner Conklin: Alright

Unidentified voice #4: He can explain it a lot better than me.

Tracy Lewis: Uh I guess if we want to do both at the same time or

Commissioner Conklin: Yes both at the same time

Tracy Lewis: Um this is the sign for lot one

Commissioner Conklin: Ok

Tracy Lewis: Um the lots are overgrown so the pictures are uh maybe Gary can explain it better but this is the neighbor’s house next to lot one and this is lot one - lot one is a vacant lot and lot two has a house on it and these are the house for lot two – that’s the sign. (During this Unidentified voice #5 spoke in tandem with Mr. Lewis).

Commissioner Conklin: Ok

Tracy Lewis: For lot two, there's a side view of the house

Commissioner Adanti: It going to be raised unclear background noise

Tracy Lewis: Yes the building is going to be raised – I'll explain everything. That is lot two- Ok so lot two

Commissioner Conklin: Lot 2 pictures.

Tracy Lewis: More Lot 2

Commissioner Conklin: Ok – this is all Lot 2

Undistinguishable voices and paper movement

Tracy Lewis: So what we have uh - made a map - but Pochong Trail is in Pine Rock Park – it's a short road that connects Long Hill Ave to Ojibwa and we have two - two lots on the property.

Commissioner Conklin: Now this is one lot right now – you're subdividing

Tracy Lewis: No its two lots right now and I'll pass these out – this is the accessor's map – I don't know if I have one for everybody but – kind of says it all – um – all we have is uh – right now we have a fifty foot wide lot – and we have a much larger lot which has an existing home on it.

Commissioner Conklin: OK

Tracy Lewis: Uh the house is vacant right now and it's going to be removed. It is what Gary wants to do. We what we proposed is to make two uh this 50 foot lot is a non-conforming lot

Commissioner Conklin: Um hum

Tracy Lewis: So we want to make it more conforming, make it more evenly split between the two – so we're proposing to revise the lot line between the two lots and put it where this dark line is uh kind of angled and straight back. Um there are a couple – there are a few things that happened. Uh

Commissioner Conklin: So have you moved that lot line as of now.

Tracy Lewis: Uh this lot line here

Commissioner Conklin: Yes

Tracy Lewis: No we can't move it yet until we uh until we get your ok for it – uh

Commissioner Conklin: How can we give a variance on a lot that doesn't exist.

Tracy Lewis: This lot exists, this lot exists and this lot exists.

Unclear voices

Tracy Lewis: These are the two lots.

Commissioner Conklin: Ok why don't you go through where the variances are to make sure that we are giving variances on the existing lots as they stand.

Tracy Lewis: Ok – uh the existing, these two existing lots one is 50 feet wide and the other one is one hundred and forty or uh I'm sorry – about one hundred and fifteen feet wide. Uh, so what we're proposing to do is to make the smaller lot bigger

Commissioner Conklin: Um hum

Tracy Lewis: And make the bigger lot smaller uh by changing the line in between. And there are a couple of variances that we need to do that. Um uh lot one requires a lot area adjustment from twelve thousand square feet to 9982 – uh we've asked for the front set back from 30 feet to 20 feet and that's because we have wetlands in the back – so we're proposing to move both of these houses so there concentric – moving them closer to the road.

Commissioner Conklin: OK

Tracy Lewis: So we have a – you know a further setback to the wetlands in the back. We could have wetland first but we knew we would probably end up coming back here so uh that's why we're asking for the - for the variance towards that way because of the wetlands in the back. Uh lot two requires uh size of the minimum square from 75 to 64.94 uh – on lot two and also that one has the front setback from 20 to 30. Um so

Commissioner Conklin: Front set back

Tracy Lewis: So

Commissioner Conklin: See the squares on these lots you're asking for are on the new lots

Tracy Lewis: Uh yes exactly - Um what we have is a non-conforming lot and we want to make it more conforming, we want to balance the property so we can put two we can put two nice houses rather than putting like a sideways house here uh or a very small house which will impact the neighborhood uh – these two houses will fit well with what there's now.

Commissioner Conklin: Ok

Tracy Lewis: Uh on this street.

Commissioner Conklin: Now why do we have a deed line going through this house.

Tracy Lewis: Well that's the other thing. We have a hardship. The deed for the neighbor and the deed for this piece goes to this line here which goes through the house.

Commissioner Conklin: Is that - that's the true lot two

Tracy Lewis: That's the

Commissioner Conklin: The non-conforming skinny true lot two line

Multiple voices

Commissioner Conklin: I'm sorry – lot line

Tracy Lewis: Yes the lot one line goes through the house

Commissioner Conklin: Ok

Tracy Lewis: It's obviously not were everybody's been occupying uh – it – needs to be adjusted –um

Commissioner Conklin: So you are

Tracy Lewis: We have a

Commissioner Conklin: So what you're doing is also on top of that you're reducing your total square footage to try and make this lot conforming also

Tracy Lewis: Yes

Commissioner Conklin: And not running through a house

Tracy Lewis: Right

Unclear voices

Commissioner Conklin: Why don't you just give your name for the record

Unclear voices

Gary Todice: Gary Todice

Commissioner Conklin: For the record. Just to be sure.

Commissioner Vasser: Your address

Gary Todice: 115 Yutaka Trail

Tracy Lewis: I have a letter from that neighbor if you'd like – to present um –

Commissioner Conklin: Of where the line is going through

Tracy Lewis: Yes – he's in agreement with what we are doing. Um – obviously – He uh – the next step is obviously to go to wetlands uh which would we would need to go to uh – we do not need to go to planning and zoning – we would just do a lot line revision plan – we will need to go to wetlands to get the OK to do the houses. So that's why we are here today is to try and get these houses closer to the road and you can see that they – it fits kinda of what with everything that is in this area.

Commissioner Conklin: Yeah

Tracy Lewis: If you look at this assessors map you can see how the houses are – you got lot lines going through houses and

Commissioner Conklin: This is – this is - this is Pine Rock Park

Tracy Lewis: Yeah so you understand the problems that are up there – it seems like every survey I do up there - its like

Commissioner Vasser: So there it doesn't appear that the line goes though the house but here it does.

Commissioner Conklin: This is the assessors map and they go sort of

Unclear multiple voices

Commissioner Conklin: They take the lots they see it and they draw houses in where they think they are – there is no guarantee that this map is accurate.

Commissioner Vasser: Got it.

Tracy Lewis: So - So that's what we're asking here today is to

Multiple unclear voices

Commissioner Conklin: I-I-I'm not sure we can - I-I - we're voting on something - that we'd be voting on something that technically doesn't exist.

Multiple unclear voices

Tracy Lewis: Well there - there - is - there is two existing lots

Commissioner Conklin: Yeah but we're not voting on the two existing lots

Commissioner Vasser: We're not voting on the variance for lot one or lot two we're voting on

Commissioner Conklin: We're voting on variances for lots that you want to make. Um

Tracy Lewis: Well we're not making them we're just revising.

Commissioner Conklin: Yeah I know but the line doesn't exist.

Tracy Lewis: Uh

Commissioner Conklin: That's what the problem is - that line doesn't exist. Not saying that this whole plan doesn't look good because it solves a lot of problems that I - that I perceive.

Multiple voices - undistinguishable as to what party is speaking

Commissioner Vasser: ... you guys first and then he said they would just move the line later - I'd have to talk to Tom about that - multiple voices unclear.

Commissioner Conklin: I'd have to talk to Rick Schultz before I talk to Tom on that one

Tracy Lewis: Uh you know that's what staff had recommended

Commissioner Conklin: I'm not saying they wouldn't - and I don't know which way they would and - obviously we are making all less non conforming all the way around here. I mean that is one of the objectives of doing something like this. Um but the problem that I see - I don't think of all my years here on the board we've ever run across this - that I've seen.

Multiple unclear voices

Commissioner Conklin: Voting on something that physically doesn't exist.

Tom Lewis: Yeah

Commissioner Conklin: Ok - Alright let's leave it as is

Tom Lewis: See I can

Commissioner Conklin: We'll leave it as a question and let's see if any of the board members have any questions on the plan as it is shown.

Gary Todice: Mr. Chairman, I'm not to here.... You're saying uh on my calculations 65 and 65 that's 130 and I'm showing 35 feet on Lot One – you keep mentioning 50 feet on Lot One - where you getting 50 feet. Am I missing something.

Unidentified Commissioner voice Um – I don't understand – what's the question

Commissioner Conklin: He went by the accessors – he's going by the assessors map

Tom Lewis: Yeah the original lot is 50 feet uh that would be this former property line here – that goes from here to here. The new dimension is 75 uh

Commissioner Conklin: He's looking at the assessors map which is showing I think that's 35

Tom Lewis: Or 35. Oh I'm sorry – 35 feet.

Unclear indistinguishable voices

Tom Lewis: And the new lot will be uh 75

Unclear indistinguishable voices: So you're splitting unclear so it would be a total of 165 and you're splitting that

Tom Lewis: That's right, that's right so 165 feet

Multiple voices undistinguishable

Tom Lewis: No you're right

Commissioner Vasser: The application here says you're asking to reduce the frontage from 75 to 64.94 – where is the 64.94

Tom Lewis: That's the the uh square on the lot

Commissioner Conklin: No it says lot frontage here - I'm sorry no minimum yeah

Multiple voices undistinguishable:minimum square feet lot frontage from 75 to 64.94

Commissioner Conklin: For lot Two

Tom Lewis: Lot Two

Commissioner Conklin: Yeah - Saying you're reducing this lot frontage from – yeah something doesn't look right

Multiple voices – undistinguishable

Commissioner Conklin: Let me take a look at the application make sure she didn't

Unidentified Commissioner voice: Size of square from 75 to 64.94

Undistinguishable multiple voices

Commissioner Conklin: Yeah – it's supposed to be square feet - it's written wrong – it is square

Unidentified Commissioner voice: Square

Commissioner Conklin: Square yes

Undistinguishable multiple voices

Tom Lewis: See one of the problems with revising the property line now is that the new line will go through the existing house so

Commissioner Conklin: It already goes through the other house as well

Multiple voices

Tom Lewis: I understand that but I'm just saying and if I move this line and I got to

Commissioner Conklin: I – I – don't – I don't – I don't what anyone else feels but I think you're do a justice of trying to make a lot less non conforming here

Multiple voices: Yeah

Commissioner Conklin: It's one of the things we're trying to strive to do uh but like I said the problem I having and I'm sure that others like Brian is having is we're voting something that doesn't exist. Um and I'd like to try and work this out with planning and zoning to try and get this – to find out what we need to do to make this work – I mean if that's what you know really the feel of the Board, I'll go to planning and zoning to see what we need to do - with this

Undistinguishable voice: ...there the ones who told them to

Commissioner Conklin: I understand that but they should have come to me and told me that you know this is what we want to do. In fact I just saw Rick Schultz today and he didn't say a word about this. And at least I could have conveyed that to the board that you know this is where we are going – and the reason why is we're tired of them taking us to Court when we do something that looks correct and they don't think it is. Alright um anybody have

Commission Vasser: Is that the way everyone understands it

Commissioner Adanti: But I agree, we don't a lot, we don't have lots here so how do we

Commissioner Conklin: Right exactly

Commission Vasser: You can't variance something that isn't there - We know there is a lot one and two but this lot one and two doesn't

Commissioner Conklin: Yeah

Commissioner Adanti: So I think it's the cart before the horse

Commissioner Conklin: Right and that's why-

Multiple undistinguishable voices

Commissioner Conklin: I'd like to

Multiple voices

Commissioner Vasser: And you can do this on this lot no problem but that's what we're saying

Commissioner Conklin: Right

Commissioner Vasser: Even though that is not what you want to do.

Tom Lewis: It's kind of a rock in a hard place because

Commissioner Conklin: Exactly

Tom Lewis: We can't do one thing in front of the other and not the other

Commissioner Conklin: Yeah

Tom Lewis: So I don't know

Commissioner Conklin: See your lot one and two does not match the city's lot one and two ok – and legally this is what exists in the city. Uh that is the only thing we can vote on – what legally exists – so why don't we leave the hearing open ok so I can go see Rick Schultz and ask him why he didn't say anything to me – um – so we can try and work on this and to try and come to some way to straighten this out

Commissioner Adanti: I think it's a good plan

Commissioner Conklin: Um hm

Commissioner Adanti: Undistinguishable I don't think it would be legal

Commissioner Conklin: And I don't think we want to put ourselves in that position.

Commissioner Vasser: Well I don't think you would want a variance for – you wouldn't want us to decide on this right now. Because if we do then we're granting it to this lot here and you're going to have to once you change – unclear – so you have to change it first.

Commissioner Conklin: Right – even though you're showing us this plan – this is what exists.

Tom Lewis: They said they would just change it once this was approved....undistinguishable.

Commissioner Vasser: Once its approved

Tom Lewis: Yeah once we got the approval they said they would change it around – that's what they told me

Unidentified Commissioner: The lot line can be changed

Commissioner Vasser: It's not a big deal

Commissioner Conklin: Right

Multiple undistinguishable voices.

Unidentified Commissioner: In other words you're taking a lot and just making it better. You know.

Commissioner Vasser: Yeah I agree. But they're telling you that they won't move it unless we – unless we approve it – Is that what they said

Tom Lewis: Well because of the because we asked for the square and they wanted to – to get it uh – both as conforming as we could get them.

Commissioner Vasser: But that shouldn't be a condition of their approval - the moving of the lot line. You move the lot line and what they do with it after is up to them.

Commissioner Conklin: We couldn't vote on the map that exists in front of us. Let me talk to Rick and we'll

Commissioner Vasser: I think it's a good idea.

Commissioner Conklin: Yeah yeah

Commissioner Vasser: And who is they – they are ... undistinguishable

Commissioner Conklin: Yeah I think we need to get something from them legally.

Tom Lewis: That being said this also is an authorization letter that Gary got from the owner

Commissioner Conklin: From the owner of the...

Undistinguishable voices

Commissioner Jones: Ok can you read both of these into the into the record please.

Commissioner Jones: Sure - First one – I Century Gamble resident of 823 Long Hill Ave am in agreement with a variance or a modifications of zoning regulations that apply to lot number one left side of Pochong Trail that takes into account the existing of an above ground swimming pool on neighboring property and the preservation of wetlands, marshlands at the rear of lot number one. Any other approval agreement that may be needed from me or need to be addressed separate from this agreement. Signed Mr. Gamble on 2nd 2015. And here is a notarized letter authorization and limited power of attorney to address the Shelton Town Hall Planning and Zoning 54 Hill Street – this shall confirm that Gary Todice of 115 Yutaka Trail Shelton CT is authorized to represent me and act on my behalf with respect to all matters pertaining to zoning issues including but not limited to submitting documentation, attending hearings and obtaining approvals with respect to certain lots I own located at 1 Pochong Trail Shelton CT and known as 12A-78 and 6 Pochong Trail Shelton CT known as 12A-79. Signed by Patrick M. Ferrell on the 15th of May 2015.

Commissioner Conklin: Does Rick Schultz have a copy of this letter.

Tom Lewis: No

Commissioner Conklin: Ok

Commissioner Jones: We don't want to keep this – this is an original – do you have another copy of this

Gary Todice: No we don't

Commissioner Conklin: Ok we'll make copies – we'll get copies Yeah And get that back

Undistinguishable voice

Commissioner Conklin: Yeah I will – does anybody else have any other questions right now – we're going to take it to planning and zoning – as it stands. Ok – anybody in favor of this – anybody opposed – ok. We'll leave the hearing open and continue to next month. Alright

Tom Lewis: And you'll expect us here again

Commissioner Conklin: Uh – I'll give you – do I have your phone number – You're representing him so we'll contact you.

Tom Lewis: Yeah – everybody knows how to get me. I'll give you my card.

Multiple undistinguishable voices

Commissioner Conklin: No we have copies of that – these go with that

Commissioner Conklin: Ok – everyone ready – we'll go on to handle 61 Sharon Court.

Later that evening during the work session the Board upon motion by Commissioner Vasser and seconded by Commissioner Oraziotti to approve the application #515-1. Motion passed by unanimous vote.

#515-1 “In the application of Alan Clapes of 61 Sharon Court, Shelton, CT for a reduction in the minimum rear lot setback from 40’ to 30’ for an attached front porch.

Inasmuch as the size and shape of the lot causes the need for variance.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance for a reduction in the minimum rear lot setback from 40’ to 30’ for an attached front (Section 24, Schedule B, Standard 11) 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.

During the work session the Board upon motion by Commissioner Vasser and seconded by Commissioner Adanti to approve the application Motion passed by a 4-1 vote (one commissioner abstained)

#415-2 “In the application of Mike Ballaro of 14 Boehm Circle, Shelton, CT for a certificate of approval for the development of a 2 story, 36’ by 44’ commercial building with 14 parking spaces to be located on the property of EG Investment LLC, 425 River Road, Map 66, Parcel 230 in a CA-2 Zone which requires a variance of the minimum set back from 40’ to 10’; a reduction in the right side set back from 12’ to 8’; a reduction in the residential setback from 40’ to 4’ to allow parking.

Inasmuch as the shape of the lot causes the need for variance, and

Inasmuch as the structure will remain in harmony with the neighborhood after the project is completed, and Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variance of the minimum setback from the street line from 40’ to 10’ is granted (Section 24, Schedule B, Standard 7); the approval of variance for a reduction in the right side set back from 12’ to 8’ (Section 24, Schedule B, Standard 9); and the approval of variance for a reduction in the residential setback from 40’ to 4’ (Section 24, Section 24.8.3) to allow parking in this instance. **Stipulations: 2nd floor limited to ‘Office Use’ and upper level to add 4 more parking places.** 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.

During the work session the Board upon motion by Commissioner Orazetti and seconded by Commissioner Jones, unanimously voted that:

#515-2 “In the application of Mike Kubowski of 9 Great Oak Street, Shelton, CT for a reduction in the right side set back from 30’ to 10’.

Inasmuch as the size and shape of the lot causes the need for variance.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance for a reduction in the right side set back from 30’ to 10’ to allow for a permanent accessory structure Section 24, Schedule B, line 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.

During the work session, the Board determined the following applications would be left open until the next meeting.

#515-3 **1 Pochong Trail (Lot #1)**, Gary Todice of 115 Yutaka Trail, Shelton, CT is seeking a waiver of Section 24, Schedule B, Line 7 by varying the required street line setback from 30’ to 20’ to allow construction of a single family dwelling with deck.

#515-4 **6 Pochong Trail (Lot #2)**, Gary Todice of 115 Yutaka Trail, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 7, by varying the setback from the front property line from 30 ft. to 20 ft. and Section 24, Schedule B, Line 3 by varying the minimum lot frontage from 75’ to 64.94’ to allow construction of a single family dwelling with deck.

Approval of Minutes

Motion made by Commissioner Conklin to accept the minutes of the March 17, 2015 hearings as submitted by the clerk. Motion was seconded by Commissioner Adanti and passed by a 4-1 vote with Commissioner Oraziatti abstaining.

Approval of Minutes

Motion made by Commissioner Jones to accept the minutes of the April 21, 2015 hearings as submitted by the clerk. Motion was seconded by Commissioner Adanti and passed by a 4-1 vote with Commissioner Oraziatti abstaining.

Respectfully Submitted,
Susan M. Pulos, Clerk