

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, August 20, 2013 at 7:30pm

AGENDA:

- #613-4 Chris Linden at 153 North Oak Avenue
- #813-1 Kid Zone Realty, LLC at 7 Platt Road
- #813-2 Physically Fit, LLC at 230 Long Hill Cross Road
- #813-3 Andrew Tronccone at 34 Montgomery Street

Mr. Glover: Alright, good evening ladies and gentlemen. Welcome to the August meeting of the Shelton Zoning Board of Appeals. Our requirements, our regulations require that you provide us with four pictures and that you have notified your abutting neighbors by certified mail, and when you are called for your hearing, I will be looking for the pictures and the receipts from the certified mail. If you have them then we will continue, if you do not have them, then we'll continue you to next month.

**#613-4 153 North Oak Avenue**, Chris Linden of 153 North Oak Avenue, Shelton, CT is seeking to waive Section 24.4.9 and Section 24, Schedule B, Standard 11 by varying the setback from the front property line from 60 ft. to 15 ft., and from the left side yard from 5 ft. to 3 ft. and an increase in maximum lot coverage from 30% to 40% for a 6'x14'x10' storage shed.

Mr. Glover: Mr. Linden? How are you sir?

Mr. Linden: Good thank you.

Mr. Glover: Do you have some pictures this month?

Mr. Linden: Pictures and receipts

Mr. Glover: These are all your abutting neighbors?

Mr. Linden: Yes, sir

Mr. Glover: Have a seat, relax. Can you tell us what you want to do and why you can't conform to the regulations?

Mr. Linden: It's a small house, 1100 sq. ft. house, for storage and stuff, it's a , no garage, so also (unclear) getting stuff out of my basement because I have another daughter on the way, so we got more stuff to put in the house. So I really want to get some stuff out of basement into a storage shed. The spot I chose is because it's part of the yard that's not used very much. So, it's really the most optimum

Mr. Glover: Alright, so you want to put a shed on North Oak Avenue and when you do you're going to be, the shed will be 15 feet from the property line, front property line and 3 feet from the side

Mr. Linden: Uh huh

Mr. Glover: Your house right now according to the Assessor's map is over the property line in the front and is about a foot from the property line on the other side.

Mr. Linden: I love 1900 houses

Mr. Glover: and it looks like your neighbor at 155 Oak, has the same setbacks

Mr. Linden: Yeah

Mr. Glover: So it's not inconsistent for everything in this neighborhood to be non-conforming because of the size of the lots, and actually because of the shape of the lots. Obviously, is this the only place you can put this?

Mr. Linden: Yes

Mr. Glover: Okay. Is it in the way of any utilities, water, sewer?

Mr. Linden: No

Mr. Glover: And you've addressed this with your neighbors?

Mr. Linden: Yes

Mr. Glover: Does the Board have any other questions? (no) The houses on either side of it both touch, one touches the side and the front, on the corner

Mr. Linden: (unclear)

Mr. Glover: Yeah

Mr. Linden: 1900 when the house was built

Mr. Glover: So what you're asking for is consistent with the neighborhood

Mr. Linden: Yeah

Mr. Glover: Any other questions? Do you want to see the

Ms. Adanti: Please

Mr. Glover: How long have you lived there?

Mr. Linden: 7 years

Mr. Glover: Any questions?

Mr. Matto: yeah, it's the house that's the one, that yellow

Mr. Linden: Yes sir

Mr. Glover: Is there anyone in this room who is in favor of this application? (no response) Is there anyone who is opposed? Any opposition to this application? (no response) Any final comments or questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

Mr. Linden: Thank you very much.

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

**#613-4** "In the application of Chris Linden of 153 North Oak Avenue, Shelton, CT for a certificate of approval for a 6'x14'x10 storage shed to be located on the property of the applicant at 153 North Oak Avenue, R-5 zone, and which requires an increase in minimum setbacks from the front property line and left side yard; and an increase in maximum lot coverage,

The application for variances is approved.

Inasmuch as this is a small irregularly shaped lot, and

Inasmuch as this is the only place for this storage shed, and

Inasmuch as every house on the street has similar or worse encroachments, making this request in harmony with the area,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in minimum setbacks from the front property line from 60 ft. to 15 ft. and left side yard from 5 ft. to 3 ft. and maximum lot

coverage from 30% to 40% at the above is granted (Section 24.4.9 and 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.”

**#813-1 7 Platt Road**, Kid Zone Realty, LLC, c/o Atty. Dominick Thomas of 315 Main Street, Derby, CT is appealing a denial of a certificate of zoning compliance.

Atty. Cole: Do you want me to come up?

Mr. Glover: Come here, yeah please. Good evening. May I have your name and address for the record please sir?

Atty. Cole: Ian Cole, 315 Main Street, Derby, CT. I work with Dominick Thomas and he had something else in Derby tonight so I am here on his behalf.

Mr. Glover: You are appealing a decision by the Planning and Zoning Commission acting as Zoning Enforcement Officer

Atty. Cole: Well, yeah, that’s correct.

Mr. Glover: So for the record, to create a record here, typically when the Planning and Zoning Commission makes a decision it goes directly to Superior Court

Atty. Cole: and there’s

Mr. Glover: in most towns, I know there is

Atty. Cole: there’s an appeal pending

Mr. Glover: I understand that; in most towns. In this town, for whatever reason the final approval for certificates of zoning compliance is voted on by the Planning and Zoning Commission, which has been determined from time to time, that the Planning and Zoning Commission is acting as a zoning enforcement officer when they make that ruling. You are here because they may have been acting as a zoning enforcement officer or they may have been acting as a Planning and Zoning Commission. So I understand that you have, or Dominick has, made an action in Superior Court in case they were acting as a Planning and Zoning Commission; and he’s made an application here in case it’s determined they were acting as a zoning enforcement officer. Is that correct?

Atty. Cole: yes, absolutely.

Mr. Glover: Can you tell us, you’re appealing their decision, they denied it

Atty. Cole: They denied it. We’re here only because there’s a very strange provision in the regulation and that’s Section 33, (unclear) the application. Do you all have copies of the

Mr. Glover: No

Atty. Cole: These are copies of the appeal. And the section is Exhibit B I believe, of the, of the regulation. And normally the absence of this regulation, the zoning commission would have a minimum of 165 days to decide a special exception. They’d have 60 days to schedule the public hearing, and they’d have at least 35 days to reach a decision and that they would have an additional, strike that, I’m sorry. Yeah, 65 days to schedule the public hearing and that they had 35 days to complete the public hearing and that they’d have 60 days to reach a decision, so a total of at least 165 days. At minimum. Here, this regulation says that once you receive it, you’ve got to make a decision within 90 days. So the history of this is, I don’t know. And also, in absence of this regulation, if they didn’t act in that time there would be no automatic approval. But this regulation says if you don’t make a decision in 90 days, (unclear) the final, second to the last sentence, “failure of the Planning and Zoning Commission to so act on any complete application within 90 days after

receipt, shall be considered an approval. And a certificate to that effect shall be issued with an approved application for certificate of zoning compliance.” So out of abundance of caution, although we appealed the denial of the application for a special permit and we also made the claim that we outlined in this appeal before the judge, we’re concerned that the judge would say well that part, because of the particularities of the zoning regulations of Shelton that’s got to go to the ZBA first and then I can consider it, so that’s why we’re here. So you’re asked, this isn’t a variance, this isn’t a location approval, this is one of those

Mr. Glover: I understand

Atty. Cole: rare cases where you’re asked to interpret the regulations. And I think it’s pretty clear that it was filed on January 4<sup>th</sup>. They made their decision actually 95 days after the receipt and so I think the automatic approval provision comes into play and we’re entitled to a certificate of zoning compliance, it was automatically approved, just because you have this regulation. Or maybe you can explain to me the significance or working (unclear). And if you want some more detail, I mean I do have pictures of where this is

Mr. Glover: I don’t think we need it, because I think, the decision we have to make is did they act appropriately. I don’t even know what the special exception was for, we don’t really need to know that. We just need to know the day that they had the hearing. Was it a hearing, or is it from the

Atty. Cole: The application that’s attached there was stamped in January 4<sup>th</sup>

Mr. Glover: Okay, so the Planning and Zoning stamped in, received the application on January 4<sup>th</sup>, 2013

Atty. Cole: Yes. They had a public hearing before, obviously, so they made their decision it was 95 days later they actually made the decision. The public hearing was before that.

Mr. Glover: Alright, just so we can, so we can clear the record here, they made the application, it was received on January 4<sup>th</sup>, 2013. And that was an application for a special exception?

Atty. Cole: Yes, to have a group day care in a residential district

Mr. Glover: But it was for a special exception?

Atty. Cole: Yes

Mr. Glover: And according to you, the regulations, as promulgated by the Planning and Zoning Commission, require them to act on it within a 90 day period from when it’s received.

Atty. Cole: Correct

Mr. Glover: And if they do not act in it, act on it within 90 days, then it is approved, it’s granted, correct?

Atty. Cole: According to

Mr. Glover: According to their regulations.

Atty. Cole: Yep

Mr. Glover: Alright, so

Mr. Conklin: It also says upon a written demand of the applicant received within the 30 days after the expiration of 90 day period for action. Did you file a

Atty. Cole: Yes, that’s attached to Exhibit C. It’s stamped received April 23<sup>rd</sup>.

Mr. Glover: So, in, on January 4<sup>th</sup>, and when was the decision made?

Atty. Cole: The decision was made

Mr. Glover: It says April 9<sup>th</sup> on your application

Atty. Cole: Yeah, the Commission, yeah, did not act until April 9<sup>th</sup>, 2013; which is 95 days after receipt of the Commission

Mr. Glover: Now, are they calendar days?

Atty. Cole: Yes

Mr. Glover: They are

Mr. Cavallaro: It doesn't say calendar days

Mr. Glover: Well, it doesn't not say calendar days either

Mr. Cavallaro: Is there an unwritten that if it doesn't say

Mr. Glover: No, I don't think it is, I think 90 days is 90 days

Atty. Cole: It's 90 days. An issue crops up if the 90 days falls like on a Sunday or something, in many types of issues

Mr. Glover: right, if the 90<sup>th</sup> day was a Sunday or a holiday. Alright, so your contention is that they didn't vote on it in a timely manner, and therefore, according to their regulations it shouldn't be denied, it should be approved

Atty. Cole: well essentially, it's automatically approved. The regulation says "considered an approval" which is in effect an automatic approval because they did not act in time. Now, under the statutes, the only statute that has that provision, that (unclear) for automatic approval is if they don't act on a site plan within a particular period of time, and there's a statute that says it's an automatic approval. But there's no automatic approval under the statutes with respect to any other applications; for instance, a wetlands application if they don't act within a time that's specified in the statutes, it doesn't result in an automatic approval.

Mr. Glover: Could the Planning and Zoning Commission have asked for additional time from the applicant?

Atty. Cole: Yes they could've

Mr. Glover: they could've, which would have extended it

Atty. Cole: Yes

Mr. Glover: But they did not?

Atty. Cole: Did not, as far as I know.

Mr. Cavallaro: And they're not here to defend themselves.

Mr. Glover: Okay, anything else?

Atty. Cole: No, that's it

Mr. Glover: Are there any questions from the Board? (no) Is there anyone in the room who is here to represent the Planning and Zoning Commission? (no response) Let the record show that no one is here to represent the Planning and Zoning Commission.

Mr. Conklin: This Exhibit D is in regards to the letter that you sent, Exhibit C?

Atty. Cole: Yes, in order to comply with the regulations

Mr. Conklin: Alright, you made a request and they're saying they're saying your request is denied

Atty. Cole: Yes

Mr. Conklin: from (unclear)

Atty. Cole: Yeah, and he really doesn't address the regulation itself.

Mr. Glover: Alright, any other questions? (no) Comments? (no) Thank you sir, I'll declare the hearing closed. Enjoy your evening.

During the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Adanti, unanimously voted that

**#813-1** “In the application of Kid Zone Realty, LLC, c/o Atty. Dominick Thomas of 315 Main Street, Derby, CT for an appeal of the denial of a certificate of zoning compliance with regard to property of the applicant at 7 Platt Road, it was unanimously voted that

The appeal is affirmed, overturning the Planning and Zoning's decision, acting as Zoning Enforcement Officer, to deny the certificate of zoning compliance.

Inasmuch as testimony indicated P&Z's denial was not consistent with the published zoning regulation which required a decision within 90 days, and the actual decision was made on the 95<sup>th</sup> day, and

Inasmuch as there was no testimony from the Planning and Zoning to refute the testimony on record,

This affirmation 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.”

**#813-2 230 Long Hill Cross Road**, Physically Fit, LLC of 702 Bridgeport Avenue, Suite 101, Shelton, CT is seeking a variance in use of Schedule A, Use Line 16A, to allow a full service fitness center in an LIP zone.

Mr. Glover: Would you read that letter?

Mr. Conklin read: Attention Gerald Glover, PhysicallyFit, LLC, we would like to withdraw our zoning application for Tuesday, August 20<sup>th</sup>. Unfortunately our soon-to-be-landlord decided not to rent us the space after working with us for over 3 months. We are still searching for space and wondering if it would be possible to hold our \$350 application fee for the variance hearing until we decide on a space, hopefully as soon as possible. Thank you very much, Chris Arnold and Jodi Schwartz.

Mr. Glover: Alright, so if there's anyone interested in the PhysicallyFit, LLC application, application 813-2, it has been withdrawn. Next.

**#813-3 34 Montgomery Street**, Andrew Tronccone of 34 Montgomery Street, Shelton, CT is seeking to waive Section 24, Schedule B, Standards 7, 9 and 11 by varying the minimum setbacks from the front property line from 30 ft. to 15 ft. and from the left side yard from 10 ft. to 8 ft.; and the maximum lot coverage from 20% to 28% for a 15'x15' attached garage.

Mr. Glover: Good evening

Mr. Tronccone: Good evening

Mr. Glover: Have a seat, relax.

Mr. Troncone: This is my wife

Clerk: Name and address

Mr. Glover: Yes, I was doing that. May I have your name and address please for the record?

Mr. Troncone: Andrew Troncone, 34 Montgomery Street

Mr. Glover: And will you be the only speaker?

Mr. Troncone: No

Mr. Glover: Well, may we have your name for the record?

Mrs. Troncone: Lindsay Troncone, 34 Montgomery Street

Mr. Glover: Linda?

Mrs. Troncone: Lindsay

Clerk: A Y or E Y?

Mrs. Troncone: A Y

Mr. Glover: Okay, and we have three letters to three abutting neighbors

Mr. Troncone: correct

Mr. Glover: Okay, and we have pictures. Alright, can you tell us what you want to do and why you can't conform to the regulations?

Mr. Troncone: Well, what I'd like to do is, obviously put a single car attached garage, basically to the front of my house and the reasoning that we can't conform is just simply I don't have the space. Unfortunately, where, the house we bought, the lot is a lot smaller than the two lots are on either side of us. With that also being that you have your 30 feet to the front of the road. Basically, I want to cut that in half to 15 feet and I'd like to basically, have it sideways. Like right now, if you saw the picture, when you pull in there's that like, it's just like a mud room? I want to slice that off essentially, get rid of that, and put the garage on the other end of the house. There, you can see in the picture if you're looking at that, on that top one you can see that other attached thing there, that's another mud room and that's where I want to put the garage.

Mr. Glover: The, in front of your truck,

Mr. Troncone: yes?

Mr. Glover: that's coming off?

Mr. Troncone: That's going to come off.

Mr. Glover: Okay, and you're going to put the garage on the other end of your house

Mr. Troncone: On the other end, right, and what I'm going to do is curve a driveway in across the front of the yard. So it won't be facing the street, it'll be kind of turned sideways.

Mr. Glover: So your, your garage, your truck will be parked in front of the house, facing the

Mr. Troncone: facing the garage door, exactly

Mr. Glover: Okay. How did you determine the 15 feet? Did you go from the road?

Mr. Tronccone: I, yeah, I just kind of went out there with a tape measure and just figured out from the street to that, that mud room that's existing, is 30 feet, and to my house is 35 feet. So, I just assumed that whoever put that on had, you know, somewhat of the right dimensions. And, we haven't gotten our, it surveyed yet

Mr. Glover: Are you going to?

Mr. Tronccone: Yeah, we plan on doing that

Mr. Glover: Because when we give a variance we give it to the property line

Mr. Tronccone: okay

Mr. Glover: this dotted line is the street line

Mr. Tronccone: Right

Mr. Glover: Your property line is back here.

Mr. Tronccone: right

Mr. Glover: If you measured from the house to the end of the street pavement

Mr. Tronccone: right

Mr. Glover: that's not your property line

Mr. Tronccone: okay

Mr. Glover: Your property line is probably about 10 feet in from that

Mr. Tronccone: That's what um, I can't remember his name, Mr. Dingle upstairs had told me. He, he said it may, he said it's tough to tell, because like, basically you're saying for like if the City ever wanted to come and put like sidewalks in right? Like that would be technically like on my yard, but it's the city owned property

Mr. Glover: Right, well, if you measured from the, from the front of where the structure's going to be, to the edge of the pavement

Mr. Tronccone: right

Mr. Glover: that is probably 5 feet from the property line, not 15 feet from the property line

Mr. Tronccone: okay

Mrs. Tronccone: but as you were saying, this was, to here was 35, to here was 30

Mr. Tronccone: Right, but he's saying to the,

Mrs. Tronccone: right

Mr. Tronccone: to the asphalt, essentially

Mr. Glover: I don't want you to get, I don't want you to get hung up here

Mr. Tronccone: right

Mr. Glover: when will you get your survey completed?

Mr. Tronccone: Well, that's the other thing, we're kind of in the process of, is, I'm, I plan on doing the building because I'm a contractor. And just right now we're just planning on saving, saving, saving, because I'm also going to put an addition on, a second floor, which won't really encroach on any of this, as far as I know with this map, encroach on any of the other you know, setbacks. So, um, basically as soon as we have the money is as soon as we're going to get it surveyed

Mr. Glover: Yeah, I don't want you to hurt yourself, because I'm concerned that you didn't take your measurements to the right place

Mr. Tronccone: Okay

Mr. Glover: and if we grant you a variance to be 15 feet off of your property line, and later on it turns out that you're 5 feet off of your property line

Mr. Tronccone: right, then there'll be issues there

Mr. Glover: then you're dead in the water

Mr. Tronccone: And that was the other thing that I'd spoken with Mr. Dingle about, was basically applying for it at 15 by 15 and if I had to make, essentially it's going to be an oversize one car, not really oversize, it's going to be pretty small actually, but the idea is just enough for one vehicle. So if I had to make it 10 or 12 feet, you know whatever would have to be the, to coincide with the actual setbacks that would be granted being 15 feet from the road, then you know, we'd try and make that work. That's why he kind of was, that's the direction he steered me in as far as

Mr. Glover: Can you get a, a vehicle in a 15 foot deep garage?

Mr. Tronccone: Yeah, tight

Mr. Glover: Not your truck

Mr. Tronccone: No, not my truck, her vehicle.

Mr. Glover: Alright, well, it looks like the, it looks like you have first of all, a 50 x 100 lot and the lots either side of you are 100 x 100 and 100 x 120. So you're lot is half the size of one of the lots

Mr. Tronccone: right

Mr. Glover: The lot that is 100 x 100, which has the number 32 on it is closer to the property line than you're asking to be

Mr. Tronccone: right

Mr. Glover: Did you make your thing to scale?

Mr. Tronccone: that?

Mr. Glover: Yeah

Mr. Tronccone: that is, did I scale on that, I think I did scale it on there, yeah, that is scale, yeah

Mr. Glover: Well, it's not, it would be in harmony probably with the house next to you

Mr. Tronccone: right

Mr. Glover: it wouldn't be any different than the house that's next to you

Mr. Tronccone: exactly

Mr. Glover: and there's not enough room on either side of your house to put the garage in the back

Mr. Tronccone: right

Mr. Glover: even if you took that little piece off

Mr. Tronccone: yep

Mr. Glover: you're still don't have enough space to get behind it

Mr. Tronccone: Yeah, and I don't know if you know Montgomery, it's all pretty steep hill there too, so it, there'd be all sorts of issues trying to like drainage, and trying to squeeze a vehicle down the side there would be really tight

Mr. Conklin: Yeah, I'm wondering about those dimensions, because the length of his truck here is pretty much is

Mr. Glover: That's probably 18 feet though

Mr. Conklin: Yeah, I was going to say 20 foot, closer to 10, it might be 30 and that's out to the pavement, you know, I was trying to count rails there coming out

Mr. Glover: Yeah, I think that you've made a mistake, to be honest with you.

Mr. Tronccone: Yeah

Mr. Glover: I think that you took your measurement from here

Mr. Tronccone: right

Mr. Glover: and I'm guessing that the property line is back here someplace

Mr. Tronccone: right

Mr. Glover: And I, I can't tell you that until you get it surveyed. And I don't, they're not going to give you a permit until you, until you get it surveyed

Mr. Tronccone: right, well, my neighbor, the other side not 32, he says that he had it surveyed. I don't know, so my original plan was to try and save some money was to see if I could find the pin and then I could, you know, because I've been told if I could find one pin I could pull all my numbers from that one pin. It's just a matter of locating it. So that was, you know another, I've been just so super busy, which is a good thing, but

Mr. Glover: That's a good think

Mr. Tronccone: So I really haven't had a ton of time to really

Mr. Glover: When did you plan on building it? Sometime in the future?

Mr. Tronccone: Yeah, in the next probably before the year, before a year, within, you know, between now and a year. The main reason we want to, we want to put a second floor on is because we're going to start a family and right now, the way our house is now we only have one bedroom, so

Mr. Glover: And you, when you measured from the front of the house to the street you got 30 feet?

Mr. Tronccone: I got 35 from there

Mr. Glover: 35

Mr. Tronccone: And I have 30 from the front of that mud room to the end of my driveway

Mr. Glover: Alright, um, I hate to keep giving you bad news, but you're going to need to get it surveyed

Mr. Troncone: uh huh, for at least

Mr. Glover: because you can't even put a second floor on this house without a variance

Mr. Troncone: really?

Mr. Glover: Because you're required to be 40 feet from the property line and if you measured to the road, the most you are is 35 feet. And I know the house is there, but they're going to interpret it upstairs as an expansion of a non-conformity when you go up with another floor

Mr. Troncone: Okay

Mr. Glover: and you're, at that time going to have to come in with a variance from the side, both sides

Mr. Troncone: right

Mr. Glover: and the front when you do it. Which is not a problem because it exists that way

Mr. Troncone: right

Mr. Glover: but, just for technical reasons you're going to have to ask for that

Mr. Troncone: okay

Mr. Glover: So you're going to need that even to go up

Mr. Troncone: Okay, I wasn't aware of that

Mr. Glover: Yeah, a lot of towns don't do that, but this town does. If you're putting a second floor on and it's non-conforming, they say you're extending a non-conformity, okay?

Clerk: (unclear)

Mr. Glover: What are you saying?

Clerk: Where did you get 40?

Mr. Glover: Oh, I think the setback from the street is 40 feet. Is it 30 on there?

Mr. Troncone: 30

Mr. Glover: Alright, well you might be alright then,

Mr. Troncone: yeah, might be

Mr. Glover: but you're still measuring to the road

Mrs. Troncone: So we have to get that surveyed

Mr. Glover: you're still measuring to the road and you may be 20 feet. The house may be 20 feet from the property line

Mrs. Troncone: Do you think, just because you were saying, this one seemed closer

Mr. Glover: Well that, see they're both, both houses are pre-existing non-conforming, which means they exist now and they, and they existed before the zoning regulations went in. So they were there before the rules were made. Okay? And because they are, they're okay to be there.

Mr. Troncone: right

Mr. Glover: But if you want to go up or add onto them, you need a variance

Mr. Tronccone: right

Mr. Glover: I would suggest that you withdraw the application

Mr. Tronccone: okay

Mr. Glover: get your survey done

Mr. Tronccone: okay

Mr. Glover: and then come back

Mr. Tronccone: Now,

Mr. Glover: because I don't know where the front is

Mr. Tronccone: right

Mr. Glover: and if you don't do it right

Mr. Tronccone: yeah, no, this is obviously a learning process for us

Mr. Glover: If you don't do it right you're going to get into a bind

Mr. Tronccone: Well that's like you said, and like I said when I spoke to Tom, but you know, obviously he was like, if you get the variance for your 15 feet from the property line, you've got to be 15, you can't be 15 foot 5, you know

Mr. Glover: right

Mr. Tronccone: so,

Mr. Glover: The gentleman next door to you who said he had it done, had it surveyed

Mr. Tronccone: yes, that was Will

Mr. Glover: Does he have a map?

Mr. Tronccone: I don't know, I could ask him. We're pretty friendly with him so

Mr. Glover: Well, you should ask him if he has a map and you should ask him if he doesn't have a map, who he hired to survey it, because in their survey books they'll have located a point there, which they will be able to find and it will make it less expensive for you to survey your property

Mr. Tronccone: right

Mr. Glover: if you use the same surveyor. I don't know who it was, I'm not (unclear)

Mr. Tronccone: I don't know if he actually did have it done, you know

Mr. Conklin: Also, if they come back for a variance for that garage, they should be asking for a variance for all the way around, it will save them money

Mr. Tronccone: Yes, so

Mr. Conklin: when he goes to the other side, they are asking for a variance for

Mr. Glover: they're asking for the front and the side

Mr. Conklin: Yeah, but they're only asking for, where was the map, they aren't asking for the other side if they're going to go up

Mr. Glover: That's what I'm saying, if they're going to go up to the second floor they're going to need a front and two side variances

Mrs. Troncone: and we can do all that with one

Mr. Glover: Yes, one hearing can do it all

Mr. Conklin: so if you're going to do it, don't skip a side, ask for the whole

Mr. Troncone: yeah

Mr. Cavallaro: especially if you're not going to build this right away.

Mr. Troncone: right

Mr. Cavallaro: you might as well do it one time

Mr. Troncone: yeah, exactly, and just pay the application fee once and, okay

Mr. Glover: Alright? I think that's the best advice I can give you. I don't want you to spin your wheels and I don't want you to spend money you don't have to spend

Mr. Conklin: all of a sudden you find out it's too close to the road and (unclear) problems

Mr. Glover: Alright, so do you want to withdraw it?

Mr. Troncone: Well, I guess

Mr. Glover: We have two choices, we can, you can withdraw it or we can deny it? I mean we can deny it without prejudice, which means that you can come back if you want to.

Mr. Troncone: Right now, obviously if we withdraw, we're going to have to, I'm going to have to go through the whole process again in a year

Mr. Glover: either way you're going to have to do it again. And I would withdraw it so that you don't have a denial on your record

Mr. Troncone: right, it's withdrawn, that's fine.

Mr. Glover: Sorry I can't help you.

Mr. Troncone: No, you were very helpful.

**Approval of Minutes:**

During the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Cavallaro, unanimously voted to approve the minutes of the June 18, 2013 hearings as submitted by the clerk.

Respectfully submitted,  
Loreen Michalak, Clerk