

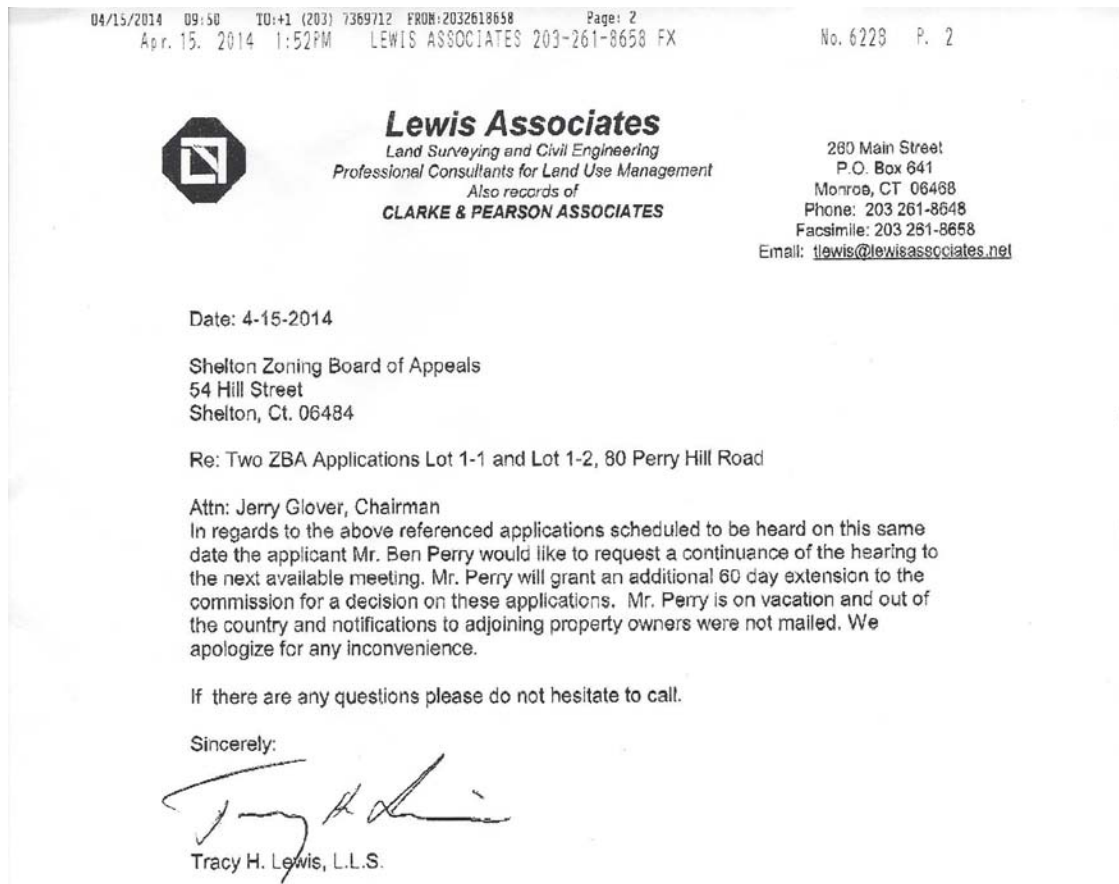
Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, April 15, 2014 at 7:30pm

AGENDA:

- #314-2 Lynette and Steve Purciello at 4 Maple Avenue
- #314-6 Mario Paniccia at 66 Huntington Street
- #414-1 Andrew Tronccone at 34 Montgomery Street
- #414-2 Dee & Pete Tutka at 51 Woonsocket Avenue
- #414-3 Ben Perry at 80 Perry Hill Road, Lot 1-1
- #414-4 Ben Perry at 80 Perry Hill Road, Lot 1-2

Mr. Glover: Welcome to the April meeting of the Shelton Zoning Board of Appeals. If you have a cell phone would you please mute it or turn it off. With me tonight, to my left is Commissioner Ralph Matto, to my left is our clerk, Lori Michalak. I'm Gerry Glover. To my right is Commissioner Jamie Jones, Commissioner Ed Conklin and Commissioner Phil Cavallaro. If there is anyone in the room who is here for Ben Perry's application on 80 Perry Hill Road, let me read this into the record so you'll know what's happening.

Mr. Jones read letter:



Mr. Glover: So if there anyone in the hall who has an interest in the property at 80 Perry Hill Road, that application has been continued. We haven't even opened it, and Mr. Perry will be placarding it and notifying his abutting neighbors and coming back sometime in the future. So if you are here for that, you're welcome to visit but we won't be doing any hearing on that application tonight. We meet monthly to grant variances and appeals, or consider them. If you have an application in front of us our regulations require that you will notify your abutting neighbors by certified mail and that you present to us four pictures of the property with one of the pictures showing that it has been, the yellow thing put on it, notice of the hearing put on it. Alright, Jamie.

#314-2 4 Maple Avenue, Lynette and Steve Purciello of 4 Maple Avenue, Shelton, CT are seeking to waive Section 45.6.1 to allow an accessory apartment in a new construction single family home

Mr. Glover: Is the applicant here? We held your, I continued your hearing so that I could get some sense from somebody from the Planning and Zoning Commission as to their thinking about the regulation for five, not having an in-law apartment in a building until it was after 5 years. Their concern is that too many of them will, will come along if we start waiving that rule. But I believe they're going to look at the reasoning for that bill, for that regulation, and give it another look. In the meantime, does the Board have any other questions, any questions for the applicant? (no) Your property your in-law apartment was above your garage. In between your garage and your house there's a breezeway?

Mrs. Purciello: a little mud room, yes

Mr. Glover: And the breezeway had a doorway to it

Mrs. Purciello: uh huh

Mr. Glover: That doorway was for the in-law apartment as well as for your house?

Mr. Purciello: uh huh

Mr. Glover: You also had another front door

Mr. Purciello: right

Mr. Glover: Correct?

Mrs. Purciello: Yes

Mr. Glover: How are you going to use that breezeway?

Mrs. Purciello: for our dogs

Mr. Glover: For your dogs?

Mrs. Purciello: Uh huh,

Mr. Purciello: believe it or not

Mr. Glover: yeah that's where they will be because it's kind of a sizable room. So we're going to let them hang out in there during the day, you know keep them from going to the (unclear)

Mr. Glover: is it a heated room?

Mr. Purciello: it will be

Mrs. Purciello: It will be yeah, so we can keep them in there

Mr. Purciello: It's 10x12 roughly

Mrs. Purciello: (unclear) I understand you guys have that law with the door, we don't need a door there actually. We were thinking about changing that anyhow and just putting a window there.

Mr. Purciello: in the front

Mrs. Purciello: in the front

Mr. Purciello: we have to

Mrs. Purciello: Yeah, we have to actually, so that's not a big deal, we were going to do that whether we have the in-law

approved or not, we're going to have that as a mud room there for the dogs.

Mr. Glover: Your application, when your application came in, it had a blueprint that identified that room upstairs as an office.

Mr. Purciello: Just because the architect didn't call it anything when he drew it up. It was never going to be an office, it was always going to be for my sister. She'll be living there. She's been with us, how many years?

Mrs. Purciello: probably, well going on 7 now

Mr. Glover: It has a bedroom, it has a kitchen

Mrs. Purciello: uh huh, a kitchenette, well we'd like it to

Mr. Glover: has a bathroom, but your architect called it an office?

Mrs. Purciello: it's probably just because at the time we were just you know, throwing things around

Mr. Purciello: Well actually, it didn't have a kitchen on it and the plan was submitted because he wasn't sure if you were going to approve it or not. And then we were going to tell you it was, that we wanted an accessory apartment. That's why he put an office

Mr. Glover: So originally it was intended to be an office?

Mr. Purciello: No, it wasn't going to

Mrs. Purciello: It really never would have been anything, if you didn't grant it, it will be an empty room that probably, you know, for now. I mean, we don't really want to go through the expense

Mr. Purciello: He didn't want to draw it in as a kitchen, show cabinets and all that and give me the added, give us the added expense of doing it on the plan so he just left it alone and called it an office, that's the only reason why. It was always intended to be an accessory

Mr. Glover: Okay. Alright, any other questions from the Board? (no) Anyone in the room in favor of this application? (no response) Anyone opposed to this application? (yes) Would you come forward please? Would you give your name and address for the record?

Ms. Mizak: Sure, my name is Linda Mizak. I reside at the abutting property on 196 Soundview Avenue.

Mr. Glover: And you're opposed to this application?

Ms. Mizak: I um, at this point I am. I have several concerns about the variance request and actually would prefer a continuance due to lack of notice. I didn't receive any notice, as well as lack of time to review it. And in addition, when I picked up the application this morning because I only found out about this on Saturday, I noticed that they didn't notify all the abutting neighbors

Mr. Purciello: Yes, we did, you didn't answer it, we got yours back, it was in our mail

Ms. Mizak: I received nothing

Several parties talking at once while they argue

Mr. Glover: We have a receipt. Stop, stop, stop, this isn't a place for you to have a discussion. She is addressing us and you're going to listen. Linda Mizak?

Ms. Mizak: Mizak is my last name

Mr. Glover: 196 Soundview Avenue?

Ms. Mizak: correct

Mr. Glover: We have a receipt from them that it was sent to you on I believe March 10

Ms. Mizak: I never received any notification I have anything certified mail sent to me

Mr. Glover: Well, we have a receipt that it was

Ms. Mizak: and do you have my signature on there?

Mr. Glover: No, we don't need to get your signature on it. We have the post office's signature on it that they sent it to you

Ms. Mizak: and I've had problems with my postal carrier sending stuff to other addresses. I never got my renewal for my driver's license because he brought it to another address, and I suspect that maybe they brought it to another address and that person said this isn't for me, I refuse it.

Mr. Glover: Okay, could be, but

Ms. Mizak: So I'm here

Mr. Glover: Okay, tell us, tell us what your objection is.

Ms. Mizak: Well, my objection is, with an in-law, from what I found out from some other people around town, he's a contractor, so he may turn that into his business office.

Mr. Purciello: (unclear) that'll never happen

Mr. Glover: stop, stop

Ms. Mizak: the other concern I have is that can always be turned into a rental property and that house is put, if you look at the plan, it's like 40 feet away from my house. So I'm very concerned about the added traffic, having maybe a bad rental neighbor, um and in addition, um, I'm also concerned because the other two abutting neighbors on the back side were never notified. They had filled out the form incorrectly, um, so I'm definitely a little concerned about that much activity being close to my property line and causing my property values to go down.

Mr. Glover: Okay, thank you

Ms. Mizak: And the other thing on the application that I saw was I think there was an error on the application. I went to the engineer's office, they had on the back of their, back of their application the minimum frontage property for an interior lot is 135, now I went out there and measured it and got 130 and then I can show you on the engineer's map it actually calls out as 120, instead of the 135 requirement

Mr. Glover: If it's a rear lot it doesn't have to have 120, I think it only has to have 50 feet

Ms. Mizak: But I thought an interior, that's an interior lot though

Mr. Glover: uh huh, an interior lot has to

Ms. Mizak: what's the difference between a rear and an interior

Mr. Glover: an interior lot doesn't have the same frontage, it has to have one and a half times the area

Ms. Mizak: okay, well

Mr. Glover: they're required to have 40,000, their application says they have 64,000. So it is a rear lot

Ms. Mizak: Okay, well on their application it does say that the required is 135 and they wrote that they have 135 and they don't. So, you know, that may need to be straightened out, if that is the case. But even they are admitting that it

should be 135.

Mr. Glover: Okay, anything else?

Ms. Mizak: Um, let's see, unfortunately like I said, because I was only able to start collecting this paperwork this morning, I don't feel like I really had a lot of time to review all of the details, those are the only things that have come up so far

Mr. Glover: Okay, thank you.

Ms. Mizak: Sure

Mr. Glover: Anyone else in opposition? (no response) Any final questions or comments from the Board? (no) You can go back to your seat. Alright, do you have any rebuttal to what the lady said? You have to confine it to what she said.

Mrs. Purciello: First as the contractor and the office thing, this is his swan song okay, we're done with the business. We're building a beautiful home that's only going to increase her property value as I'm sure you can see from the plans. My sister-in-law who has lived with us for 7 years now, that's a long time, so we really need to have some separation, but that's the point of this in-law apartment. I mean, you know, we wouldn't put her out, so we had you know, a second little entrance to (unclear) set up to give us a little bit more privacy

Mr. Purciello: It's never going to be a rental, I don't want anybody in my house

Mr. Glover: What would cite as your hardship? It's a hardship that has to go with the land, not with the family, with the land.

Mrs. Purciello: I don't know, I really wouldn't be able to say it's a land hardship, but, it's a family hardship. It's our problem, you know, it is our problem. What is she going to do, go on Section 8 or, you know, we can't, when we have all that room? She lived with us, it's an issue, I don't know if it is or if it makes a difference, but we could prove she's been living with us for 7 years

Mr. Glover: It's not relevant to us

Mrs. Purciello: okay

Mr. Glover: Alright, last time for comments? (no) Then I'll declare the hearing closed. Thank you. We will probably vote on it later tonight.

Later in the evening during the work session, the Board upon motion by Commissioner Conklin and seconded by Commissioner Cavallaro, unanimously voted to deny the application for a variance to allow an accessory apartment in a new construction home, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#314-6 66 Huntington Street, Mario Paniccia of 515 Washington Avenue, Bridgeport, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 12 ft. to 1 ft. to enclose a 3 season patio to a 4 season patio room.

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

Mr. Paniccia: My name is Mario Paniccia. I'm an architect, our office is at 515 Washington Avenue in Bridgeport, CT.

Mr. Glover: Alright, this is a continued hearing. We already have the pictures. We already have the notifications, so a, the reason we continued this hearing is to have an opportunity for some of the Board members, or all of the Board members, to go and observe the property, see the property. Has, have any of the Board members taken advantage of that?

Mr. Conklin and Mr. Cavallaro: Yes

Mr. Glover: Would one or both of you like to tell us what you saw?

Mr. Cavallaro: Well, what I saw was what I thought at the last hearing, was that it is a 6 foot white stockade fence that's there, not part of a building wall. And it's continuance from before the area in question to the area in question. I specifically asked if it was an existing wall and I was told yes that it was a plastic type building material. And I said is it a fence, and I was told no, but it certainly does look like a fence to me. So I don't know if that constitutes as an existing wall or not.

Mr. Glover: Ed, did you notice the same?

Mr. Conklin: Yes, it was the type of fence that you would buy at the Home Depot or somewhere else and it was standing up (unclear) it looked like mounted in between two pillars

Mr. Glover: Did you find a roof?

Mr. Conklin: I, it was difficult to tell if there was a roof, but I would assume there was because there was tarp over it and the tarp was overlying over the fence, or the, trying to enclose the area, but it was solid, I mean the tarp itself was straight and solid, so there had to be a solid material underneath it.

Mr. Glover: Okay, alright. So it seems like, last month, Mr. Mas said that there was a plastic fence between this property and another fence a foot away and Mr. uh, is it Paniccia?

Mr. Paniccia: Yes

Mr. Glover: Mr. Paniccia, referred to it as a vinyl wall. To you Commissioners it looks more like a fence than a wall?

Mr. Conklin: yes

Mr. Cavallaro: Yes

Mr. Glover: okay

Mr. Conklin: to me a wall is (unclear) insulation, you know, extended out wall with insulation and this was not

Mr. Cavallaro: something structural

Mr. Glover: Sir, at one time was there a patio here?

Mr. Paniccia: I'd just like to say that it's not a fence, it's a structure, a wall that's holding up the roof. It's not just two posts. It's a series of columns that holds up a structure of 2x8's I believe, on the roof. So that's a structural wall holding up a structural roof. A fence is just a fence. There is a fence that comes up to that point and the materials that's continuance around the structure are posts which, you have a fence and then you have your structural posts holding up the roof structure which makes it a structural wall. That's what I said at the hearing. The real plan is so that we maintain the continuity is to keep that material as the outside facing and where we're coming in front of this Board for is to sandwich the structural wall to make it a four season. So I believe that when I said, and I hope it wasn't misconstrued, that if you do go there you'd see it as a series of columns. It's not, and which ends at the end of that wall, then the fence continues as a fence, which is a plastic fence. The plastic facing of the fence does conclude in front of that structural wall. And what I had said

Mr. Cavallaro: So you

Mr. Paniccia: Yes?

Mr. Cavallaro: I'm sorry

Mr. Paniccia: No, go ahead

Mr. Cavallaro: So you are saying there's two walls there? There's a structural

Mr. Paniccia: I'm saying there's

Mr. Cavallaro: wall and the plastic fencing?

Mr. Paniccia: Yes, there's a structural wall, it's right here. The fencing continues all the way down. But at this point there is a structure that shows up, see this structure right here? There's a foundation, there's columns, there's I think a 4x, 6x6 posts which are about 50 on center. And they hold up the 2x8 structure of the roof.

Mr. Conklin: I can see, I can see the columns. I can see a gap between that white type of fence and I can see, and your tarp was hanging over so I couldn't see that (unclear) some sort of

Mr. Paniccia: he's absolutely right, I just want to clarify that, this section here that we wish to enclose, right now has structural columns, structural roof, foundation and a floor. And it has (unclear) fencing material

Mr. Conklin: it does not have a physical wall, built material between the two, between the columns

Mr. Paniccia: No, no, that's what we're here to get approval for, to take it from a three season to a four season, and I apologize I may have said something you know, that may have given the wrong impression, but I did say that there is a structural column, to us as architects a structural column or structural wall, and even the building department, that constitutes a wall as a structure. Now to make it from a three season to four season it would be insulated (unclear) we would have to get it sandwiched to get that approved

Mr. Cavallaro: So what goes from the top of the 6 foot fence to the underside of the roof, there's a big window of (unclear)

Mr. Paniccia: Our thought was to keep it, to keep the neighbors happy was to keep it the same, is the plastic material would be the facing, the outside facing. Then we would put the insulation and the gypsum board on the inside

Mr. Cavallaro: So you're going to take that 6 foot fence and go up to almost 9 feet, 10 feet

Mr. Paniccia: well, to the top, wherever that is, to the existing, to maintain the existing structure

Mr. Glover: And how would you keep the debris from that vinyl structure and the

Mr. Paniccia: Well, this would be enclosed, so there wouldn't be any debris outside. All I can say is if there would be any debris, I would imagine that Angelo would be responsible to clean it. But since this is going to be enclosed, I can't see how any, anything goes outside

Mr. Glover: It could come from other sources

Mr. Cavallaro: wind

Mr. Glover: from other places

Mr. Paniccia: Well, then debris would go on his property regardless, whether this gets approved or not

Mr. Cavallaro: No, the question was more of it getting stuck between the two fences, because there's only about a foot of space that's

Mr. Paniccia: there won't be two fences, because this will be

Mr. Cavallaro: Well, you can take his fence down, and yours is already there too

Mr. Paniccia: Well, we can make that solid then. We just close it at the top and that would stop any debris. And I would be, I'd provide a detail for the Board's approval, the top of the fence and just make it solid, you now, put a screen that no debris would get in it

Mr. Glover: But you're talking about debris coming from your side. What if debris comes from the other side?

Mr. Paniccia: Well if there's a screen then no debris would get in there, we can close that off. I think that would be a simple matter to do.

Mr. Cavallaro: This structure that is there, I'm assuming there was a building permit for that?

Mr. Paniccia: All I know is that that was there when I measured it and that it was existing. It was existing when I put in for the building permit for the last go round, I believe it was, I think the first time this was years and years ago so

Mr. Cavallaro: and you're indicating that continuous footing that exists between those structural posts that holds up that roof

Mr. Paniccia: yes, that we solved (unclear) before the tile was put in that the footings were there

Mr. Cavallaro: the plans should be upstairs detailing that footings

Mr. Glover: Alright, are there any other questions from the Board? No?

Mr. Jones: Just remind me, what's the width of it from the building to the

Mr. Paniccia: this way?

Mr. Jones: yes

Mr. Paniccia: it shows as 8 foot 11 inches

Mr. Cavallaro: what is further south, I don't see any on your drawing there?

Mr. Paniccia: this, further this way?

Mr. Cavallaro: Yeah

Mr. Paniccia: this is going to be open. This is the addition that's going up now.

Mr. Cavallaro: Well, what about the addition that's there already?

Mr. Paniccia: the addition that's going up now you mean?

Mr. Cavallaro: No

Mr. Paniccia: that's up

Mr. Cavallaro: No, down further, there's another bump out that goes out to the fence line

Mr. Conklin: are you talking about in back

Mr. Paniccia: here

Mr. Cavallaro: no that same side

Mr. Glover: yeah, storage

Mr. Conklin: that's that piece there

Mr. Paniccia: that's an existing storage shed

Mr. Glover: which is closer to Huntington Street, correct?

Mr. Paniccia: yeah, it's, this is up high, this is like tucked in

Mr. Glover: I understand. There's a front door and a back door here and without getting into that, that's, Huntington Street is closer to that storage than what you're building now

Mr. Paniccia: Yeah, this may shed some light, that's the shed and this is in yellow the area where is in question

Mr. Glover: Now, there's some question, there was some information, testimony that they were considering doing a PDD for the whole thing?

Mr. Paniccia: Yes, I myself met with the owner of, Amy Montanaro and the zoning commission with Tony Panico, and we were discussing parking spaces and the allocated parking spaces to this area and the conclusion was that the zoning would like to see, they're going to do a PDD, because they'd like to see sidewalks in this area here

Mr. Glover: in the, adjacent to, abutting Huntington Street

Mr. Paniccia: right. And so we were receptive to that and so we wanted to do this prior to the PDD and then we would submit that to the Board

Mr. Glover: Would the PDD be able to approve this? If the Planning and Zoning made this whole piece a PDD, wouldn't they be able to do what they wanted to do?

Mr. Paniccia: I really don't know the answer to that. I was directed that this is the way to go. I mean I would be open to, my thing is to get it approved, but what the best vehicle is, I guess I would

Mr. Glover: Alright, thank you. Just to keep the record straight. Is there anyone else who is in favor of this application this month? (no response) Is there anyone who is opposed and has some new opposition this month?

Mr. Mas: Well, I called up Rick with, my name is James Mas, Jr., 120 Hunter's Creek, Shelton, CT. I am the partner and owner of the Huntington Shopping Center, I'm the managing partner. After I heard about this PDD, as you brought up, and he brought up, I called up Rick Schultz the next morning and I said how come you people are having meetings and making a PDD and I'm the adjoining property owner and you want to tie things in, how come I wasn't invited? Rick Schultz' comment was, "We knew you would oppose it." Wonderful comment. But from what I understand of what he's doing here, he's going to build an interior wall inside of the fence so he can take it all the way up to the top and leave that fence out there. Because on the front end of the fence he's got a gate that opens up and closes to get to that shed. So I don't know what he's building there. The only solid wall that's there right now is the building itself which is on the, I guess the western side of the property, the south side of the property. But I'm trying to figure out where's the hardship for all this?

Mr. Glover: You're asking me?

Mr. Mas: Yeah

Mr. Glover: I don't have an answer for you. He'll have to tell us where the hardship is

Mr. Mas: Because, I mean, I don't know what they're trying to accomplish there, I mean, more seating, more waiting room, more whatever, you know, that's why they put that big addition on the back there. And this patio, I never saw a permit or anybody apply for anything throughout the years of watching it. But, they say if you don't oppose it in three years it floats by

Mr. Glover: Okay, thank you.

Mr. Mas: That's all I have to say

Mr. Glover: Alright, and what would you site as your hardship?

Mr. Paniccia: Our hardship is that the existing three season patio that we would like to enclose and due to the shape of the lot renders it that this is the only thing we can do at this point. And if I may answer some of his questions, we did say at the hearing that the front two ends would be enclosed, so again the three season goes to four season. And also, I really didn't hear any opposition to the plan, just some questions that I believe we answered.

Mr. Glover: Okay. So your hardship then is because you have an existing patio you should be able to make a structure that's one foot from the property line?

Mr. Paniccia: No, no, that wasn't it, it's the shape of the lot and the way the configuration of the, and grading renders a hardship.

Mr. Glover: How does it do that? I mean, if you already have an existing patio there that's been there, how does the grading make a hardship for a structure

Mr. Paniccia: Because of the existing condition, this is the only place that we can close in this area

Mr. Glover: and that's the entrance?

Mr. Paniccia: the entrance is right here, yes

Mr. Glover: And is that the entrance that they've used in the past?

Mr. Paniccia: yes

Mr. Glover: How many years have they used it?

Mr. Paniccia: I don't know how many years

Mr. Glover: How many years have you been associated with it?

Mr. Paniccia: at least 8 years

Mr. Glover: alright, so for 8 years they've been able to get in and out of the restaurant without a four season

Mr. Paniccia: yes

Mr. Glover: Okay. Final questions? (no) Hearing none, I'll declare the hearing closed. Thank you.

Later that evening during the work session the Board, upon motion by Commissioner Jones and seconded by Commissioner Conklin, unanimously voted to deny the application for a variance to convert a three season patio into a four season patio room, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#414-1 34 Montgomery Street, Andrew Troncone of 34 Montgomery Street, Shelton, CT is seeking to waive Section 24.4.12, Schedule B, Standards 7 and 9 by varying the setbacks from the front property line from 30 ft. to 25 ft., from the right side yard from 10 ft. to 6 ft. and from the left side yard from 10 ft. to 7 ft. for a second floor addition.

Mr. Glover: Good evening

Ms. Troncone: hi

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

Ms. Troncone: Lindsey Troncone, 34 Montgomery Street, Shelton, CT

Mr. Troncone: I'm Andrew Troncone, 34 Montgomery Street, Shelton

Mr. Glover: And do you have some pictures and some receipts for me please?

Mr. Troncone: Yes, I have a tone of stuff for you

Mr. Glover: I only need ½ a ton.

Mr. Tronccone: pictures, I don't know if you need this one, that's just for the \$160 fee

Mr. Glover: No, it's a bargain isn't it? Alright, so you have three abutting neighbors?

Mr. Tronccone: Yes

Mr. Glover: and the other line is Montgomery Street

Mr. Tronccone: correct

Mr. Glover: Your application says that you need a number of variances because you are going up

Mr. Tronccone: yes

Mr. Glover: are you going out?

Mr. Tronccone: No

Mr. Glover: So the same, the footprint is going to be consistent?

Mr. Tronccone: The only thing that's going to change to what you see there and what's penciled in, is the two foot overhang and that's off the back.

Mr. Glover: Okay

Mr. Tronccone: and that's just on that area. Every other wall is going to stay flush exactly where it is

Mr. Glover: so your variance from the front yard already exists, right?

Mr. Tronccone: I would imagine, it's existing there

Mr. Glover: It's there, you're not going any closer to the street

Mr. Tronccone: No

Mr. Glover: and your variance from one side exists

Mr. Tronccone: as is

Mr. Glover: the other side you come a little bit closer because it's on an angle with the property line

Mr. Tronccone: yes, that, I haven't done that but that's, I would imagine it doesn't meet because of the way the house is sitting on that plot, now whether that's straight or not, you know

Mr. Glover: Well, you've given us a map or a plot plan, which I assume is the Assessor's map?

Mr. Tronccone: yes

Mr. Glover: a copy of the Assessor's map, and it shows a very small lot, 50 x 100

Mr. Tronccone: yes, that's our main hardship actually is

Mr. Glover: and it shows a very small house which is already mis-oriented, if that's a word, on the lot

Mr. Tronccone: absolutely

Mr. Glover: and your testimony is, other than going back another 2 feet with an overhang, you're not, which is not an encroachment,

Mr. Troncone: right, no

Mr. Glover: every other encroachment exists

Mr. Troncone: Right

Mr. Glover: Okay. Does the Board have any other questions? (no) Anyone else in this room in favor of this application? (no response) Is there anyone opposed? (no response) Then I'll declare the hearing closed. We'll vote on it tonight.

#414-1 Later that evening during the work session the Board, upon motion by Commissioner Jones and seconded by Commissioner Conklin, unanimously voted that:

“In the application of Andrew Troncone of 34 Montgomery Street, Shelton, CT, for a certificate of approval for a second floor addition to be located on the property of Lindsay Troncone at 34 Montgomery Street, R-3 zone, and which requires variances in the setbacks from the front, right and left side property lines,

The application for a variance is approved.

Inasmuch as the existing house is a pre-existing non-conforming structure; and

Inasmuch as the proposed second floor addition will not encroach any closer than the current footprint does,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum setbacks from the front property line from 30 ft. to 25 ft., right side yard from 10 ft. to 6 ft. and the left side yard from 10 ft. to 7 ft. (Section 24, Schedule B, Standards 8 & 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.”

#414-2 51 Woonsocket Avenue, Dee and Pete Tutka of 51 Woonsocket Avenue, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 25 ft. to 8 ft. for a 16x30 pool.

Mr. Glover: Alright, good evening

Mrs. Tutka: good evening,

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

Mrs. Tutka: Yes, Deirdre and Peter Tutka, 51 Woonsocket Avenue, Shelton

Mr. Glover: And do you have receipts for me?

Mrs. Tutka: Ie do, Ie have my first set that I sent out without the green cards and I have, and then when I went to make, and I never got anything back, so I got nervous so I went

Mr. Glover: You did it again?

Mrs. Tutka: I did it again. So I talked to Gary, our man, and I watched everybody sign yesterday, thinking I was going to get the green cards in my mailbox today, but Gary said they need to go to Wallingford first and we should have them

Mr. Glover: All we require is evidence that you mailed them

Mrs. Tutka: Okay, good, I'm kind of an overachiever, so here's my stack

Mr. Glover: You really didn't have to do it two times

Mrs. Tutka: And I actually went to the post office and got copies of everybody's signatures anyway

Mr. Glover: That's fine, I'm sorry you had to do that. Alright, so you have, did we get their names and address?

Clerk: Yes

Mr. Glover: Okay, we have their pictures, you want to put a pool in your backyard.

Mrs. Tutka: Yes

Mr. Glover: Is there already a pool there?

Mrs. Tutka: There was. We took the pool down when we bought the house.

Mr. Glover: Okay, so in the past there was a pool. Was the pool in approximately the same area as it is now?

Mrs. Tutka: Yes sir. That round circle that you see

Mr. Glover: was the pool?

Mrs. Tutka: was the pool

Mr. Glover: Okay

Mrs. Tutka: and the peanut shape is ours, where we would like to have our new pool

Mr. Glover: Is it an above ground pool?

Mrs. Tutka: It's an in-ground pool

Mr. Glover: It's an in-ground pool. Okay, and your lot is 75x100. Are you served by city sewers?

Mrs. Tutka: Yes, we have city sewers

Mr. Glover: and they go out the front probably?

Mr. Tutka: yes

Mr. Glover: And you have city water?

Mrs. Tutka: We have a well

Mr. Glover: You have a well. Where is the well?

Mr. Tutka: in the front

Mr. Glover: In the front. How far is the well from the pool, do you know?

Mr. Tutka: It's on the other side of the house

Mrs. Tutka: in the front yard

Mr. Tutka: So it would be about like another 18 feet from the house, from the front of the house

Mr. Glover: Okay, have you, have you been to the Valley Health Department?

Mrs. Tutka: Not since we, maybe when we bought the house

Mr. Glover: You may not need the health department because you're sewerred. Is there any reason why the pool can't go closer to the house?

Mrs. Tutka: No, there isn't any reason it can't go closer to the house

Mr. Tutka: it would be similar, the same space from the property line and the house

Mr. Glover: right, that's where

Mrs. Tutka: Cosmetically we were just trying to make it look

Mr. Glover: the pool was there when you got there, the original pool, the round pool?

Mrs. Tutka: that's correct

Mr. Glover: and this pool is about 8 feet from the property line and the last one looks like it was about a foot and a ½ from the property line, very close to the property line.

Mrs. Tutka: there's actually, around the pool there's a 3 foot cement walkway, like a rim for lack of a better word, they put like a cement walkway around the pool. And then we were thinking I kind of wanted like another 5 feet of like softscape for flowers or something

Mr. Glover: Are there other swimming pools in the neighborhood?

Mrs. Tutka: Yes, our next door neighbors to the left have an in-ground pool, and our neighbors to the right have an above ground pool.

Mr. Glover: And the one that's in-ground to your left, is that close to the property line too?

Mrs. Tutka: Um, I

Mr. Tutka: (unclear)

Mr. Glover: Would that be a rectangular pool in number 16? Would that be this house?

Mrs. Tutka: Yes, sir, that's it

Mr. Glover: Alright, so you have a pool next to you that is equally close to the property line on the side, actually it's closer to your property than the one you want to build, and it's about the same distance from the back property line as yours.

Mrs. Tutka: I'd say about, right?

Mr. Tutka: yeah

Mrs. Tutka: and we did purchase, I'm sorry

Mr. Glover: and their lot is identical in size to yours?

Mrs. Tutka: Yes

Mr. Glover: So, if you were to be granted this, yours would be in harmony with the rest of your neighborhood

Mrs. Tutka: And we also bought the property behind us, the lot behind us, hopefully we'll be closing at the end of the month

Mr. Glover: Would that be 384 or 383 on this map?

Mrs. Tutka: That would be

Mr. Tutka: This one

Mr. Glover: This one? Okay. So the lot you're encroaching on is going to be your lot?

Mrs. Tutka: Yes, it is, but Mr. Pochy, the owner, did sign, we got signatures from both of the people to the rear of us

Mr. Glover: The lot that's behind you, are you going to build another house on it?

Mrs. Tutka: No, we can't anyway, it's restricted somehow. The road on Cranston ends before that property begins

Mr. Glover: Alright, so when you combine that with yours, that's a 100 foot lot, am I understanding that your pool will then be 108 feet from anybody else's property?

Mr. Tutka: we can't combine this property because there's a big step

Mr. Glover: I understand that you're not going to combine them, but there's nobody behind you

Mrs. Tutka: correct

Mr. Glover: you're on the land behind you, or will

Mrs. Tutka: That's correct

Mr. Glover: And when you do, you're 108 feet from anybody else

Mrs. Tutka: That's correct, uh huh

Mr. Glover: okay. The lot that you're 10 feet away from, this one over here

Mrs. Tutka: okay, Guy and Vicky

Mr. Glover: Are Guy and Vicky in favor of this?

Mrs. Tutka: yes, they are

Mr. Conklin: Gerry, can I see the plot plan?

Mr. Glover: Yes, you can. The one that looks like a figure 8 is the pool that they're building and the big circle that it's within was the old pool. You're going to put fences around the pool?

Mrs. Tutka: yes, sir, yes

Mr. Glover: Where will you put the filter, toward your house?

Mr. Tutka: filter on the left side of the house

Mr. Glover: More toward your house than your neighbor's house?

Mr. Tutka: Yes

Mr. Glover: And you are taking a permit for the pool?

Mrs. Tutka: Yes, sir, I guess we're waiting for the next step.

Mr. Glover: Yeah, well, if the Board approves your application, part of the, of the contingency will be that you take permits and follow all of the safety procedures and building codes.

Mrs. Tutka: Okay. And how does it work, how does it work from here? What do I, this is our first time ever, do we wait for a call or notification through the mail?

Mr. Glover: No, you sit here while we vote on it.

Mrs. Tutka: Oh, okay.

Mr. Glover: Any other questions from the Board? (no) Anyone else in this room in favor of this application? (no response) Is there anyone who is opposed to this application?

Mr. Prosnick: I'm not necessarily opposed, but I have a couple questions or concerns

Mr. Glover: Alright, they're going to speak and you're going to listen

Mrs. Tutka: Got it

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

Mr. Prosnick: Mark Prosnick, 68 Larkey Road, Oxford, CT

Mr. Glover: Mr. Prosnick, what's your

Mr. Prosnick: I just, I would like to see the proposed

Mr. Glover: What would you like to see?

Mr. Prosnick: where the proposed pool is going to go, I know you mentioned a figure 8 earlier

Mr. Glover: Yeah, hang on

Mr. Prosnick: We're the adjoining property owners so, just concerned about

Mr. Glover: Which one are you? Which is your property?

Mr. Prosnick: 30

Mr. Glover: Oh, over here, okay. Their testimony is that they are buying this lot and there was a pool where the big circle is

Mr. Prosnick: Yep, okay, so they're maintaining the same area

Mr. Glover: they're maintaining, they're actually, there's less encroachment on your lot and they're putting an in-ground, I guess you could say an oval shape pool, but it's a smaller

Mr. Prosnick: I know you answered, you asked the question Gerry, about where about you were going to put the fence up and what kind of fence would you be putting up? Would it be a privacy fence or

Mr. Glover: Mr. Prosnick, you have to ask me

Mr. Prosnick: I'm sorry Gerry, if you know

Mr. Glover: You want to know what kind of fence they're going to put up?

Mr. Prosnick: correct

Mr. Glover: What are you going to put up for a fence?

Mrs. Tutka: We're going to put up a black aluminum fence, a decorative fence

Mr. Glover: Okay, with vertical slats in it

Mrs. Tutka: yes, but nothing fancy with spires or anything

Mr. Glover: And is it, it's going to go approximately on the property line

Mrs. Tutka: It's actually going to go on top of a wall, a retaining wall

Mr. Conklin: so that wall, those walls that are in the picture being built right now?

Mrs. Tutka: yes

Mr. Glover: You sent too many receipts out. Do you have any other questions?

Mr. Prosnick: No, so it's a vertical fence, it's going to be a see through vertical fence?

Mr. Glover: Yes

Mr. Prosnick: My only concern is that, if it could be a privacy fence I'd feel better about it. I mean we don't have a home there right now, but in the future there will be, that's my only concern

Mr. Glover: Are you saying you want a privacy

Mr. Prosnick: I would like to see one, yeah

Mr. Glover: A fence that you can't see through?

Mr. Prosnick: I'd prefer that

Mr. Tutka: (unclear)

Mr. Glover: Hang on

Mr. Prosnick: Or shrubbery or some kind of boundary

Mr. Glover: I don't think there's a lot of room for shrubbery because it's only 7 ½ feet or 8 feet from the property line

Mr. Prosnick: right, then it would have to be maintained, that's my only concern

Mr. Glover: Okay, but you're not in objection

Mr. Prosnick: I'm not in objection

Mr. Glover: Sir, are you?

Mr. Murphy: No, I'm not in objection. I'm also the co-owner of the property, my name is James Murphy. You brought up a good point about the issue of where the proximity of the filter will be mounted

Mr. Glover: Hang on ** tape had to be changed**

Mr. Glover: Go ahead, I'm sorry

Mr. Murphy: Just a concern about where the filter unit would be housed on, obviously because if it was in the setback area, in the summertime windows are open if the filter's on the property line, that could be something

Mr. Glover: That's our concern, that's why we ask if it's closer to their house or closer to the property line, and his response was it was going to be closer to his house

Mr. Murphy: Is there any regulation as to how far it needs to be off the property line?

Mr. Glover: No

Mr. Murphy: No

Mr. Tutka: we're planning on putting the filter somewhere around here

Mr. Glover: It's going to be closer to the house

Mr. Cavallaro: We usually mandate that just for that reason

Mr. Glover: Okay? No opposition, just information

Mr. Murphy: Yes sir.

Mr. Glover: Thank you.

Mr. Prosnick: Thank you.

Mr. Murphy: Thank you.

Mr. Glover: Anyone else in opposition? (no response) Any final comments or questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

#414-2 Later that evening during the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Cavallaro, unanimously voted that:

“In the application of Dee and Pete Tutka of 51 Woonsocket Avenue, Shelton, CT, for a certificate of approval for a 16x30 pool to be located on the property of the applicants at 51 Woonsocket Avenue, R-4 zone, and which requires a reduction in the setback from the rear property line,

The application for a variance is approved.

Inasmuch as the proposed pool will be further from the setback than a pool that was previously on the property; and Inasmuch as it will be in harmony with the rest of the neighborhood,

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 25 ft. to 8 ft. at the above is granted (Section 24, Schedule B, Standard 8) in this instance.

This certificate of approval is contingent on the applicant taking a building permit prior to erecting the pool and providing any necessary safety features including a fence that may be required by the building department; and placing the pool pump along the side of the pool closest to the applicant'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.”

Approval of Minutes

During the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Jones, unanimously voted to approve the minutes of the March 18, 2014 meeting as submitted by the Clerk.

Respectfully submitted,
Loreen Michalak, Clerk