

SHELTON BOARD OF ZONING APPEALS
TUESDAY, APRIL 16, 2024. MEETING BEGAN AT 7:00 PM
HEARING MINUTES

APPROVED
May 21, 2024

AGENDA

1. **#0424-02 Dominick J. Thomas, Jr., Attorney, of 315 Main Street, Derby, CT, 06418, for the Applicant, Carsation, LLC, for the property at 40 Oliver Terrace, requesting an appeal of the Cease-and-Desist order dated 4/5/2024 issued by the Shelton Zoning Enforcement Officer, Ron Baia, to Duane Berkey, Carsation, LLC. (Added to the agenda at the beginning of the hearing by Chairman Conklin.)**
2. **#0424-01 Kamphora Hill, LLC of #220 304 Main Avenue, Norwalk, CT, for the property located at 8 Algonkin Road, Primer America Realty Corp., Springfield Gardens, NY, Owner.**
3. **#0124-01 Carsation, LLC of 118 Lindley Street, Bridgeport, CT, 06604 for the property located at 40 Oliver Terrace, Shelton, Bernhard-Thomas, LLC of 281 Pequot Avenue, Southport, CT, Owner. (Closed)**

CHAIRMAN E. CONKLIN:

Okay. Good evening, ladies and gentlemen and welcome to the April meeting of the Zoning Board of Appeals. We meet monthly to consider zoning regulations and appeals on zoning department decisions and actions. When your application is called, please come up to the table and give your name and address. To start the hearing, our regulations require that you have placarded your property, that you provide four pictures, one including the placard and the receipts indicating that you notified your abutting neighbors at least 10 days in advance of tonight's hearing. If you are applying for a variance on a property that you don't own, you will need to supply a document giving you the right to make such application. If you don't have these, we will reschedule the hearing for the next meeting. When you come in front of this board, you are giving testimony. This is a hearing. If the decision made by this Board at the end of the hearing is appealed, 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 can only record one person speaking at a time. The conversation at all times is between the person who has the floor and the Board. Also, please turn off or mute your cell phones and any conversations in the audience need to be taken out into the hallway. Present tonight are: Commissioner Linda Adanti, Vice-Chairman B. Vasser, Commissioner Jamie Jones, Commissioner Phill Cavallaro, and myself, Chair Ed Conklin. Alternate Commissioner Jim Della Volpe will be sitting in for Commissioner Linda Adanti tonight, in regards to 40 Oliver Terrace, in regards to the variance.

COMM. J. JONES:

To whom it may concern, the following, having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday, April 16th-

CHAIRMAN E. CONKLIN:

I have to add something before you do that. We have to add to the agenda tonight an Appeal of Decision by the Zoning Enforcement Officer for 40 Oliver Terrace. I'll accept a motion to so add that to the agenda.

COMM. P. CAVALLARO:

I make a motion that we add it to the agenda.

CHAIRMAN E. CONKLIN:

Okay. Can I get a second?

VICE-CHAIRMAN B. VASSER:

I'll second.

CHAIRMAN E. CONKLIN:

Okay. All those in favor?

CHAIRMAN E. CONKLIN, VICE CHAIRMAN B. VASSER, AND COMMISSIONERS L. ADANTI, P. CAVALLARO, AND J. JONES:

Aye.

CHAIRMAN E. CONKLIN:

Any opposed? Okay, so moved. All right. Before we start the regular hearing, we have a decision by the Zoning Enforcement Officer that was sent to 40 Oliver Terrace on April 5th of this month. Is the applicant, well, I need to get the applicant here and I don't see him.

COMM. P. CAVALLARO:

I don't see him.

CHAIRMAN E. CONKLIN:

I don't think they're showing up.

UNIDENTIFIED VOICE #1:

Who is the applicant for 40 Oliver Terrace?

CHAIRMAN E. CONKLIN:

Pardon?

UNIDENTIFIED VOICE #1:

Who is the applicant for 40 Oliver Terrace?

CHAIRMAN E. CONKLIN:

Carsation, LLC. It would be

UNIDENTIFIED VOICE #1:

Oh, I'm here for them tonight.

CHAIRMAN E. CONKLIN:

...for, for Dominick Thomas, Dominick Thomas. This is a Cease-and-Desist order. This is for the variance on that.

UNIDENTIFIED VOICE #1:

(*INAUDIBLE*)... the lawyer tonight.

CHAIRMAN E. CONKLIN:

Okay. All right., um, we still have to have the hearing so let's pass these out. Pass these down that way, please.

CLERK T. KELLY:

Okay.

CHAIRMAN E. CONKLIN:

I do have a copy. Okay. All right. This is in regard to the Appeal of Decision by the Zoning Enforcement Officer. The City of Shelton Zoning Enforcement Officer, Ron Baia, ordered a Cease-and-Desist to Carsation, LLC, at 40 Oliver Terrace, Shelton CT, on April 5th, 2024. The Cease-and-Desist Order was addressed to Duane Buckey. This hearing is to determine if the City of Shelton ZEO made a proper decision in ordering a Cease-and-Desist to Carsation, LLC at 40 Oliver Terrace. In making our decision, we have to determine whether the ZEO followed the Zoning Regulations of the City of Shelton.

His reasons for the Cease-and-Desist Order were: #1. "Operating business in IA-2 Zone without Planning & Zoning approval." In the document in front of us he gave a remedy of "get an approved business occupancy application by ZEO."

#2 was "Failure to obtain a Department of Motor Vehicles License as required by the state law." His remedy - he didn't have any for that one. #3 was "Sales, service, and business operations in an IA-2 zone which is not permitted under the City of Shelton Zoning Regulations." His remedy was "need a granted variance by ZBA to operate in IA-2 zone." Okay. Is the applicant here, just to make sure? Okay. Then, let's, can we hear from the Zoning Enforcement Officer?

UNIDENTIFIED VOICE #2:

From here?

CHAIRMAN E. CONKLIN:

You have to come up here, please. Have a seat. All right. Name and address for the record, please.

RON BAIA (*UNIDENTIFIED VOICE #2*):

My name and address? Um, Ron Baia. 93 Currituck Road in Newtown, CT.

CHAIRMAN E. CONKLIN:

Bend that down a little, yeah. All right. Okay. Yeah.

CITY OF SHELTON ZEO R. BAIA:

Ron Baia. 93 Currituck Road, Newtown, CT.

CHAIRMAN E. CONKLIN:

Okay.

CLERK T. KELLY:

How do you spell that road, excuse me?

CITY OF SHELTON ZEO R. BAIA:

Currituck?

CLERK T. KELLY:

Yeah.

CITY OF SHELTON ZEO R. BAIA:

C-u-r-r-i-t-u-c-k.

CLERK T. KELLY:

All right. Currituck Avenue.

CITY OF SHELTON ZEO R. BAIA:

Currituck Road.

CLERK T. KELLY:

Road.

CITY OF SHELTON ZEO R. BAIA:

Yeah.

CLERK T. KELLY:

Okay. Newtown?

CITY OF SHELTON ZEO R. BAIA:

Yep.

CLERK T. KELLY:

Yup, okay.

CITY OF SHELTON ZEO R. BAIA:

You need a zip code?

CLERK T. KELLY:

If you want.

CITY OF SHELTON ZEO R. BAIA:

06470.

CLERK T. KELLY:

Okay.

COMM. J. JONES (*SPEAKING QUIETLY TO CHAIRMAN CONKLIN*):

He shouldn't have to give his personal address as a city employee, right?

CHAIRMAN E. CONKLIN:

(*SPEAKING QUIETLY TO COMM. J. JONES; UNCLEAR*)

COMM J. JONES:

I just don't think he needs to give his personal address as a city employee.

CHAIRMAN E. CONKLIN:

Oh, okay. Because he's the Zoning Enforcement – yeah. Actually, uh-

CLERK T. KELLY:

Okay.

CHAIRMAN E. CONKLIN:

Yeah. Do it that way. Um, tell us what you are, why you think there is an operation running there because at this point, they're telling us there is no operation as far as it goes.

CITY OF SHELTON ZEO R. BAIA:

Yeah, there's, well, we – well, I, I, this has been going on for a very long time. Um, I first visited this location back in the fall of 2023.

CHAIRMAN E. CONKLIN:

Right.

CITY OF SHELTON ZEO R. BAIA:

Um, at that time there was, seemed to be storage of vehicles. Um, I've been at this, so everybody knows, I've been doing this for 36 years in various municipalities. I wouldn't issue a Cease-and-Desist unless I was 100% sure that someone was doing something that didn't fit the regulations and didn't fit in that zone

CHAIRMAN E. CONKLIN:

Okay.

CITY OF SHELTON ZEO R. BAIA:

...and didn't have approvals through our office.

CHAIRMAN E. CONKLIN:

All right.

CITY OF SHELTON ZEO R. BAIA:

After monitoring this for a long time, and I thought this office was extremely patient with that particular business/owner - we had visited many times. He's been in to apply for his two pending applications from us. Um, and with you - he has a ZBA application in front of you. Um, he was asked to stop verbally many times. I have a bunch of things, hand-outs, if you guys want to look that show evidence of a car dealership.

CHAIRMAN E. CONKLIN:

Is this, one for everybody, is what you're saying?

CITY OF SHELTON ZEO R. BAIA:

Yes. Yup.

CHAIRMAN E. CONKLIN:

Okay.

CITY OF SHELTON ZEO R. BAIA:

And those are reviews of people who purchased cars from him

CLERK T. KELLY:

Thank you.

CITY OF SHELTON ZEO R. BAIA:

...some recent, some a little bit further down the road. These are another, it's all literature showing his online website. He goes by Carsation, LLC, and Skedaddle.

CHAIRMAN E. CONKLIN:

Okay.

CITY OF SHELTON ZEO R. BAIA:

The day we visited, um-

CHAIRMAN E. CONKLIN:

Is there any, any evidence of actual, do you have anybody

CITY OF SHELTON ZEO R. BAIA:

So, I'm going to get to that.

CHAIRMAN E. CONKLIN:

...witnessing a sale actually going on, or something to support the sales action going on?

CITY OF SHELTON ZEO R. BAIA:

We have the website that shows cars for sale. We have the Google reviews that have people who attested to buying cars from Duane,

CHAIRMAN E. CONKLIN:

Okay.

CITY OF SHELTON ZEO R. BAIA:

...which is Carsation, LLC. I went out there with um, an officer from the City of Shelton, the day I issued the Cease-and-Desist. While I was there, I had the owner on the phone, and he said, "I don't sell cars." A gentleman walked in. The police officer asked him, "Are you here to buy a car? Do you work here?" He said, "No. I'm with Connects Credit Union and I'm here to verify a vehicle that's to be purchased." And he was there to inspect the vehicle to make sure that

the vehicle existed, so they don't give a loan out on a, on a vehicle that didn't exist. I don't know how much more proof that you really need, I mean

CHAIRMAN E. CONKLIN:
Okay.

CITY OF SHELTON ZEO R. BAIA:
...you have someone coming from a bank to look at a vehicle that obviously, there was a buyer, um,

CHAIRMAN E. CONKLIN:
Right.

CITY OF SHELTON ZEO R. BAIA:
...that, waiting for him to determine this car existed so they could get the loan and buy the car.

CHAIRMAN E. CONKLIN:
Yeah, when the applicant first came into you, they did have a Bridgeport address?

CITY OF SHELTON ZEO R. BAIA:
Um, I understand, from what I understand, he used to operate in Bridgeport.

CHAIRMAN E. CONKLIN:
Okay.

CITY OF SHELTON ZEO R. BAIA:
Yeah.

CHAIRMAN E. CONKLIN:
All right. The reason, the reason why I'm bringing that up is because our clerk went to the mailbox today to - and found this in our mailbox. This was being sent to Carsation on Lindley Street in Bridgeport. It's returned because the business at that location has been closed.

CITY OF SHELTON ZEO R. BAIA:
Right.

CHAIRMAN E. CONKLIN:
So, there is no more operation, obviously, the only operation-

CLERK T. KELLY:
That's from January.

CHAIRMAN E. CONKLIN:
...the only operation that we can find at this point is here in Shelton, then,

CITY OF SHELTON ZEO R. BAIA:
Yeah. I,

CHAIRMAN E. CONKLIN:
...to be right and totally out of.

CITY OF SHELTON ZEO R. BAIA:
The timeframe, I believe, is probably correct because it started at some point, either the latter part of last year or early this year when they started in Shelton, from what we understand.

CHAIRMAN E. CONKLIN:

Okay. All right. Questions from the Board. Any questions?

COMM. P. CAVALLARO:

On all these exhibits that you provided, I don't see any address tying it to that particular location.

CITY OF SHELTON ZEO R. BAIA:

Well, Carsation, LLC and, and/or Skedaddle is, oh, I'm sorry.

COMM. P. CAVALLARO:

The way it was billed to us is that it was an online-type of sale

ALTERNATE COMM. J. DELLA VOLPE:

Right.

COMM. P. CAVALLARO:

...strictly delivery for pick-up from that location.

CHAIRMAN E. CONKLIN:

I know.

VICE-CHAIRMAN B. VASSER:

Uh, there's a, in this package here, in the uh, search bar it says 40 Oliver Terrace.

COMM. P. CAVALLARO:

Does it?

CITY OF SHELTON ZEO R. BAIA:

Okay.

VICE-CHAIRMAN B. VASSER:

And it's got a little pinpoint that says Skedaddle cars on it from Google.

CHAIRMAN E. CONKLIN:

Yeah.

COMM. P. CAVALLARO:

Okay.

VICE-CHAIRMAN B. VASSER:

So, it's, ...yeah.

CHAIRMAN E. CONKLIN:

Also, I, I went to the website and went searching through it, a couple of them, and the contact information was 40 Oliver Terrace.

CITY OF SHELTON ZEO R. BAIA:

You, you are more than welcome, that this is the date of, their – April 5th

CHAIRMAN E. CONKLIN:

Yeah.

CITY OF SHELTON ZEO R. BAIA:

...this is the showroom, dated and time, 2:32 pm that day, of the vehicles. This is the, I mean, I have various pictures of the showroom, autobody work going on

VICE-CHAIRMAN B. VASSER:

And what did they say when you asked him why all the cars are there, for just storing them or something, I mean, what's the-

CITY OF SHELTON ZEO R. BAIA:

...all they said is, "We don't sell cars." Very generic.

CHAIRMAN E. CONKLIN:

All right. Any other questions? Okay. Anybody – no, there's nobody from the audience in regards to this. It's strictly us. All right.

UNIDENTIFIED VOICE #3:

I do have a couple of questions, a couple of points I'd like to make. I represent the land-

CHAIRMAN E. CONKLIN:

Well, this is, this isn't

ALTERNATE COMM. J. DELLA VOLPE:

The hearing's closed.

CHAIRMAN E. CONKLIN:

...open to the public. This is strictly a decision of the Zoning Enforcement Officer; did he make a correct one or not? It's not open to the public. Okay. All right. No other questions? I declare this hearing closed, then.

ZEO CITY OF SHELTON ZEO R. BAIA:

Okay.

CHAIRMAN E. CONKLIN:

All right. Thank you. All right. Now, we can go on to regular, we can go on to the regular meeting now.

COMM. J. JONES:

We going to, decide on this later, though, or?

CHAIRMAN E. CONKLIN:

What's that?

COMM. J. JONES:

We'll decide on this later?

CHAIRMAN E. CONKLIN:

You want to decide?

COMM. J. JONES:

No, I just don't know.

CHAIRMAN E. CONKLIN:

Let's do it at the end. We'll decide it later.

COMM. J. JONES:

Okay. All right.

CHAIRMAN E. CONKLIN:
Yeah.

- - -

Later that evening, upon motion made by Vice-Chairman B. Vasser and seconded by Commissioner P. Cavallaro, "In the application #0424-02, Dominick J. Thomas, Jr., Attorney, of 315 Main Street, Derby, CT, 06418, for the Applicant, Carsation, LLC, for the property at 40 Oliver Terrace, requesting an appeal of the Cease and Desist order dated 4/5/2024 issued by the Zoning Enforcement Officer, Ron Baia, to Duane Berkey, Carsation, LLC, the Board unanimously voted to deny the application for appeal and uphold the ZEO Cease and Desist order.

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COMM. J. JONES:

...on April 16, 2024, at 7:00 PM, in the hearing room of the municipal building, 54 Hill Street, Shelton, Connecticut.

#0424-01 Kamphora Hill, LLC of #220 304 Main Avenue, Norwalk, CT, for the property located at 8 Algonkin Road, Primer America Realty Corp., Springfield Gardens, NY, Owner, for 1 variance to Schedule A, Line 2, to construct 2 units in an R-3 zone, and 4 variances to Schedule B as follows: 1) Line 2, to decrease the minimum lot area per dwelling unit from the required 7,500 sq ft to 4,574 sq ft; 2) Line 8, to decrease the minimum setback from the rear property line from the required 30' to 2.6'; 3) Line 9, to decrease the minimum setback from the right-side property line from the required 15' to 3.3'; and 4) Line 9, to decrease the minimum setback from the left-side property line from the required 15' to 4.5' in order to convert a light manufacturing building into a two-family residence in an R-3 zone.

CHAIRMAN E. CONKLIN:

Okay. Name and address for the record, please?

JIA HUA:

My name's Jia Hua. First name, J-i-a. Last name H-u-a. Um, so that works. My address is 19 Kent Hills Lane, Wilton CT.

CHAIRMAN E. CONKLIN:

Okay. Do you have pictures for us?

JIA HUA:

Yes, uh-

CHAIRMAN E. CONKLIN:

And receipts that your-

CLERK T. KELLY:

Did you say Wilton?

JIA HUA:

Yeah. Wilton.

CLERK T. KELLY:

Okay.

JIA HUA:

Yes. This is a picture of the existing, that shows the placard,

CHAIRMAN E. CONKLIN:

Yup.

JIA HUA:

...the receipt, sample letter,

CHAIRMAN E. CONKLIN:

March 6th, 3/6, okay. Now we got a copy of the letter. All right. Okay. Tell us what you're trying to do and why you can't meet the zoning regulations.

JIA HUA:

Uh, right now, the property is light manufacturing business use that's located in an R-3 zone.

CHAIRMAN E. CONKLIN:

Right.

JIA HUA:

Um, I had to convert it into a 2-unit, residential property and uh, right now, the existing house on the current existing building is located in the setback zone. So, that's why I need to uh, apply for a variance because the whole building as existing does not comply to the existing zoning regulations. And, uh, it seems I need to, uh, I need to add uh, 2 dormers at the front of the building

CHAIRMAN E. CONKLIN:

Right.

JIA HUA:

...that's why I need to apply for the zoning variance because the whole building is-

VICE-CHAIRMAN B. VASSER:

When was the original building built?

JIA HUA:

Uh, I'm not sure (*QUIETLY SPEAKING; UNCLEAR*).

CHAIRMAN E. CONKLIN:

I'm sorry. I didn't hear the question.

JIA HUA:

It's quite old.

VICE-CHAIRMAN B. VASSER:

When was it built originally?

CHAIRMAN E. CONKLIN:

Uh, yeah, I did not – it was, it's a preexisting, nonconforming building. That's what I was informed it was. Um, basically, 90% of the building is sitting in the rear setback. Um, I can give you the pictures down there but here's some here. If this is the building here, it's sitting in the rear setback, almost totally in the rear setback of the property. Um, she's adding, the reason why I had the variances added for nonconformity in the setback zone, even though it was preexisting nonconforming, because she is modifying the building itself by adding dormers. She's expanding the nonconformity but slightly, but she is.

VICE-CHAIRMAN B. VASSER:

That's not going to expand beyond the current footprint?

CHAIRMAN E. CONKLIN:

It's, you are not expanding beyond that

JIA HUA:

No. No.

CHAIRMAN E. CONKLIN:
...so, according to the plans that I,

VICE-CHAIRMAN B. VASSER:
No? You're just going up?

JIA HUA:
No.

CHAIRMAN E. CONKLIN:
...I looked at the plans.

VICE-CHAIRMAN B. VASSER:
Then, the dormers are going to match with the same roof peak, right?

JIA HUA:
Yes.

CHAIRMAN E. CONKLIN:
It looks, looks like it might be a foot higher, but, according to the plans, but that, basically, yes.

VICE-CHAIRMAN B. VASSER:
But on the front and the back, there's no extensions.

CHAIRMAN E. CONKLIN:
No extensions.

JIA HUA:
No.

CHAIRMAN E. CONKLIN:
No, no, that I saw on the plans. The plans are at the other end.

VICE-CHAIRMAN B. VASSER:
Is that correct? There are no extensions?

JIA HUA:
Yeah. That's correct.

COMM. J. JONES
So, you're taking this? (*HOLDS UP ONE PICTURE FROM THE APPLICATION*)

JIA HUA:
Yes.

COMM. J. JONES
And making it look like this? (*HOLDS UP A 2ND PICTURE FROM THE APPLICATION*)

JIA HUA:
Right.

CHAIRMAN E. CONKLIN:
Okay. Now, you are going to remove this existing old shed in the front?

JIA HUA:
Yes. That's correct.

CHAIRMAN E. CONKLIN:
Okay. Uh, this asphalt pavement that's here is going to be removed?

JIA HUA:
Yes. It's going to be removed and replaced with grass and

CHAIRMAN E. CONKLIN:
Okay.

JIA HUA:
...also, uh, pervious paving.

CHAIRMAN E. CONKLIN:
Okay. So, basically, you're taking a nonconforming industrial building and turning it into a residential building in a residential zone.

JIA HUA:
Yes. That's correct.

CHAIRMAN E. CONKLIN:
Okay.

VICE-CHAIRMAN B. VASSER:
And these are all residential, these are all houses, right?

JIA HUA:
Yes.

VICE-CHAIRMAN B. VASSER:
It's just this one lonely, industrial-

CHAIRMAN E. CONKLIN:
Yeah. Yeah.

VICE-CHAIRMAN B. VASSER:
...what about over here? Is-

CHAIRMAN E. CONKLIN:
Yeah. I'm not sure what the big one in the corner, but I was thinking that,

JIA HUA:
Part of it is uh, for business use. Uh, I am, I'm not sure exactly what it is, but it is (*SPEAKING QUIETLY; UNCLEAR*) used by the business use.

CHAIRMAN E. CONKLIN:
There's an aerial view of the surround-

CLERK T. KELLY:
Excuse me, what kind of paving did you say it was going to be? You said grass and-

JIA HUA:

Grass and um, um, probably um, pavers, concrete pavers.

CLERK T. KELLY:

...that's what - okay.

JIA HUA:

Yes.

CLERK T. KELLY:

Okay.

CHAIRMAN E. CONKLIN:

Questions at that end?

COMM. L. ADANTI:

Yes, may we see the pictures?

CHAIRMAN E. CONKLIN:

Oh, she wants to see the-

COMM. L. ADANTI:

Would you like to see the plans? Do you have a set of plans down there?

CHAIRMAN E. CONKLIN:

Yeah. I'll swap, we'll swap you.

COMM. L. ADANTI:

Want to swap?

COMM. P. CAVALLARO:

How high is the building?

CHAIRMAN E. CONKLIN:

Are you done with the plans?

VICE-CHAIRMAN B. VASSER:

Yeah.

COMM. P. CAVALLARO:

How high is the, it's a 2-story building?

CHAIRMAN E. CONKLIN:

It's a 2-story. It looks like when I was looking at the plans, max. height was 21 feet.

COMM. P. CAVALLARO:

I don't see enough room to try to maintain the back side of the building.

VICE-CHAIRMAN B. VASSER:

Hm-hmm (*AFFIRMATIVE*).

COMM. P. CAVALLARO:

It says that it's 2.6 feet back there.

CHAIRMAN E. CONKLIN:

It's the existing. It's not being altered, the back of the building.

COMM. P. CAVALLARO:

The back is 2 stories high now?

CHAIRMAN E. CONKLIN:

Yes. Yeah. The building itself – the only thing that they're modifying in that building is the front vestibule, it looks like, and the 2 dormers are being added to the front. Here's the pictures you've got to send down.

(SEVERAL BOARD MEMBERS QUIETLY HAVING A DISCUSSION; UNCLEAR)

CHAIRMAN E. CONKLIN:

Further questions? All right. Anybody opposed to this application? Anybody opposed to this application? Anybody in favor of this application? Anybody in favor of this application? Please come up to the table.

UNIDENTIFIED VOICE #4

Here?

CHAIRMAN E. CONKLIN:

You have to sit probably on that side to get the microphone. They shortened the cords on me. And took a mic away. Name and address for the record, please.

RICHARD CRANSON *(UNIDENTIFIED VOICE #4)*:

Richard Cranson. 24 Navajo Trail. Pine Rock Park.

CHAIRMAN E. CONKLIN:

Okay. And you're in favor?

CLERK T. KELLY:

Can you spell your last name, please?

RICHARD CRANSON:

C-r-a-n-s-o-n.

CLERK T. KELLY:

Okay. Thank you.

RICHARD CRANSON:

Sure. Yes, I'm in favor of it. Unfortunately, a lot of these things in Pine Rock Park are disasters that our forefathers set. And it's numerous to mention, but this is one of them

CHAIRMAN E. CONKLIN:

All right.

RICHARD CRANSON:

...that was put in. It was originally the Post Office, the grocery store, um, a lot of things. And we got to, but we've got to live with it. It's sad.

CHAIRMAN E. CONKLIN:

So, now we're getting it converted to the residential

RICHARD CRANSON:

Which

CHAIRMAN E. CONKLIN:
...and leave it there.

RICHARD CRANSON:
...as far as we're concerned, that's fine.

CHAIRMAN E. CONKLIN:
Okay.

RICHARD CRANSON:
That's perfect.

CHAIRMAN E. CONKLIN:
Okay. Thank you.

RICHARD CRANSON:
Thank you.

CHAIRMAN E. CONKLIN:
Anybody else in favor of this application? All right. Any further questions from the Board? All right?

VICE-CHAIRMAN B. VASSER:
Uh, isn't this, this is going to be a rental, is that right?

JIA HUA:
Uh, I-

VICE-CHAIRMAN B. VASSER:
Or is it one, single-family home? Or what is it?

JIA HUA:
No, it's going to be a duplex, uh, I intend to sell them uh, to two families, uh-

VICE-CHAIRMAN B. VASSER:
So, you're not going to rent them?

JIA HUA:
Right.

CHAIRMAN E. CONKLIN:
Okay? All right. I declare this hearing closed, then. Thank you.

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Later that evening, upon motion made by Commissioner P. Cavallaro and seconded by Vice-Chairman B. Vasser, "In the application #0424-01 Kamphora Hill, LLC of #220 304 Main Avenue, Norwalk, CT, for the property located at 8 Algonkin Road, Primer America Realty Corp., Springfield Gardens, NY, Owner, for 1 variance to Schedule A, Line 2, to construct 2 units in an R-3 zone, and 4 variances to Schedule B as follows: 1) Line 2, to decrease the minimum lot area per dwelling unit from the required 7,500 sq ft to 4,574 sq ft; 2) Line 8, to decrease the minimum setback from the rear property line from the required 30' to 2.6'; 3) Line 9, to decrease the minimum setback from the right-side property line from the required 15' to 3.3'; and 4) Line 9, to decrease the minimum setback from the left-side property line from the required 15' to 4.5' in order to convert a light manufacturing building into a two-family residence in an R-3 zone, the Board unanimously voted to approve the variances with one stipulation.

Inasmuch as the two-family residence will be in harmony with neighboring homes in the residential zone;
Inasmuch as the structure will not extend beyond the footprint of the preexisting, nonconforming, commercial building;
Inasmuch as the now nonconforming commercial usage will be eliminated in an R-3 residential zone.

Therefore, with due consideration for the public health, safety, welfare, and property values, the approval of
1 variance to Schedule A, Line 2, to construct 2 units in an R-3 zone, and 4 variances to Schedule B as follows:

- 1) Line 2, to decrease the minimum lot area per dwelling unit from the required 7,500 sq ft to 4,574 sq ft;
- 2) Line 8, to decrease the minimum setback from the rear property line from the required 30' to 2.6';
- 3) Line 9, to decrease the minimum setback from the right-side property line from the required 15' to 3.3'; and
- 4) Line 9, to decrease the minimum setback from the left-side property line from the required 15' to 4.5' in order to convert a light manufacturing building into a two-family residence in an R-3 zone.

This certificate of approval is contingent on the following stipulation:

The shed currently located on the front of the property must be removed.

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CLERK NOTE: The next application discussed and voted on was Agenda Item #3., *(above, on page 1)* as follows:
#0124-01 Carsation, LLC of 118 Lindley Street, Bridgeport, CT, 06604 for the property located at 40 Oliver Terrace, Shelton, Bernhard-Thomas, LLC of 281 Pequot Avenue, Southport, CT, Owner. (Closed)

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Later that evening, during the working session, upon motion by Vice-Chairman B. Vasser and seconded by Comm. P. Cavallaro "In the application #0124-01 Carsation, LLC of 118 Lindley Street, Bridgeport, CT, 06604 for the property located at 40 Oliver Terrace, Shelton, Bernhard-Thomas, LLC of 281 Pequot Avenue, Southport, CT, Owner, for a use variance to Permitted Uses, Schedule A, Line 36, to allow for the use of an industrial structure for the sale of autos in an IA-2 zone,

The application was denied by unanimous vote.

The Board's decision was based on 1. No hardship was identified to grant a use variance that permits a car sales and repair business to operate in an IA-2 zone. 2. The definition of motor vehicle repairs, as defined in State of CT Statutes, cannot be limited or modified by placing stipulations as part of the use variance (the stipulation requested by the applicant was to limit motor vehicle repair activities done at 40 Oliver Terrace solely to oil changes, detailing, replacement of tires/wipers/belts, and the installation of batteries and lightbulbs). 3. Although the applicant suggested as a stipulation, limiting the active usage of the variance to the 12,000 sq. ft. where the business is to be located on the lot, the total 5.3 acres will be tainted with the use variance, which is not in line with the City of Shelton Plan of Development. 4) This IA-2 industrial zone is a dirty and hazardous zone. It contains a construction company, the recycling center which caught fire last year, along with other industrial businesses that all use large trucks. The zones listed in Schedule A of the City of Shelton Planning and Zoning Regulations were established to have like business entities located in the same vicinity. Placing a business with high-end and expensive vehicles (as the business was described during the hearing) which have been seen parked outside, is not in harmony with the existing established businesses on Oliver Terrace.

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OTHER ITEMS OF BUSINESS

Motion made by Chairman E. Conklin and seconded by Commissioner L. Adanti to approve the minutes of the March 19, 2024, hearing as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 7:40 PM.

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