

BOARD OF ZONING APPEALS – SHELTON, CT
HEARING MINUTES - TUESDAY, SEPTEMBER 20, 2016

Municipal Building Hearing Room, 54 Hill Street

- #0616-01 58 Waverly Terrace, Joseph and Allison Imperio of 58 Waverly Terrace, Shelton.
#0716-01 41 Walnut Avenue, Nicholas T. Macero, Jr. of 41 Walnut Avenue, Shelton.
#0716-02 23 Meadowridge Drive, Melissa Sylvester Fletcher and Bruce Fletcher of 23 Meadowridge Drive, Shelton.
#0716-03 28 Blackberry Lane, Frank Vozzo (The Vopa Group) of 28 Blackberry Lane, Shelton.
 (Withdrawn)
#0816-01 217 Long Hill Cross Road, Lucian Leszczynski, Sr.; Anna Leszczynski; Lucian Leszczynski, Jr.; and Daniel Leszczynski of 217 Long Hill Cross Road, Shelton.
#0816-02 42 Murry Avenue, Perry Building and Construction Services of 34 Lazy Brook Road, Shelton, (Property Owners Jessalyn Ann Iannone and Andrew Jones Iannone, 42 Ann Avenue, Shelton).
#0816-03 107 Nichols Avenue, Orlando Soto of 107 Nichols Avenue, Shelton.

Commissioner Edmund Conklin	Good evening ladies and gentleman. Welcome to the September meeting of the Shelton Board of Appeals. We meet monthly to consider variances on Zoning regulations and appeals on Zoning Department appeals 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 ten days in advance of the hearing tonight. If you don't have these, we will reschedule the hearing for the next meeting. When you come in front of this board you are giving testimony. This is a hearing. If the decision made by this Board at the end of this hearing is appealed and taken to the next level, it is the recorded testimony that is presented, not any member of this Board. Our minutes are transcribed verbatim. The 2 recorders on the table can only record one person speaking at a time so your conversation at all times is between you and a member of the Board here. So, please turn off or mute your cell phones and any conversations in the audience also need to be taken out into the hall. Present tonight are: Alternate Commissioner James Orazietti, Commissioner Linda Adanti, our clerk Tina Kelly, myself Ed Conklin, to my right is Commissioner Jamie Jones, to his right is Commissioner Phillip Cavallaro, and to his right is Commissioner Bryan Vassar.
Commissioner Jamie 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, September 20, 2016 at 7:30 p.m., in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT.
	#0616-01 58 Waverly Terrace, Joseph and Allison Imperio, of 58 Waverly Terrace, Shelton
Comm. J. Jones	#1, #0616 – 01, 58 Waverly Terrace, Joseph and Allison Imperio, of 58 Waverly Terrace, Shelton. for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 feet to 10 feet and a variance to Section 24, Schedule B, Line 11 to increase the maximum impervious lot coverage from 15% to 16% to allow for the construction of a two story addition, 24' x 28' in an R-1 zone.
Comm. E. Conklin	Also, before I continue with that one, application for 28 Blackberry Lane, if anybody is here for that application, the application is withdrawn, that application for tonight so you don't need to sit here. OK? All right. Continuation from July's meeting?
Joseph Imperio	Yeah. Joseph Imperio, 58 Waverly Terrace.
Comm. E. Conklin	Are you going to speak?
Allison Imperio	Um, sure. Allison Imperio, 58 Waverly Terrace.
Comm. E. Conklin	OK, thank you.
J. Imperio	So we're looking to do an addition on the right hand side of the house. That's a picture of what it's going to look like.
Comm. E. Conklin	OK
J. Imperio	It's going to be 24' x 28', and we're at 38 feet from our property line, so we're looking to encroach 10' on the side setback. And last time we were here there was a little confusion as to which zone we were in.

Comm. E. Conklin	Yes. You are in an R-1 zone.
J. Imperio	Yeah, it is.
Comm. E. Conklin	Yes.
J. Imperio	And this one said R-2 so we met with Mr. Dingle last month and because of our lot shape, it's going to be 20 feet,
Comm. E. Conklin	Right. It's a reduction of the side yard frontage by a % of your front yard frontage.
J. Imperio	Yeah, right.
Comm. E. Conklin	So it's 20% of your front yard, which is, winds up being 20 feet left or right side. OK
J. Imperio	Yeah. Here's the pictures.
Comm. E. Conklin	OK. Does one of them have the placard on it?
J. Imperio	Yeah, it's on the front of the house.
Comm. E. Conklin	OK. Also, do you have the. Neighbors? OK. Give that to you.... All right. And I see that the addition you're adding, even though you list it as a 2 story addition, it's not a full 2 story addition. It's a second story that's going to be encapsulated within the roofline.
J. Imperio	Yes.
Comm. E. Conklin	OK. And it's going to be the same peak height as the rest of the house?
J. Imperio	Yes
Comm. E. Conklin	Going across? Can I see that? All right. And you are going to be within, now see that did get revised itself, so you want to reduce it from 20 feet to 10 feet is what you're actually applying for now?
J. Imperio	Yeah, um, um.
<i>(Very quiet; inaudible.)</i>	
Comm. E. Conklin	Uh, once you turn it into us, we have to keep this.
J. Imperio	OK
A. Imperio	Oh, we have a copy.
<i>(Multiple voices; undecipherable)</i>	
Comm. E. Conklin	OK. Questions?
Commissioner Linda Adanti	May I see that?
Comm. E. Conklin	Yeah. This.... you done with those Bryan?
Commissioner Bryan Vassar	Yup.
Comm. E. Conklin	What do we have here?
Clerk Tina Kelly	This is the revised one, yes.
Comm. E. Conklin	OK. Do you have the old one?
Clerk T. Kelly	I have the old one, yup.
Comm. E. Conklin	OK, which has the original plot plan, which really isn't much. All right, that's what their, that's from last month.
Clerk T. Kelly	This is from the last meeting.
Comm. L. Adanti	OK.
Comm. E. Conklin	And you're not coming out any further in the front; in fact the face of the front is going to be equal all the way across the house?
J. Imperio	Yes.
Comm. E. Conklin	OK. That's what they're trying to do. OK. Now this property is serviced by city water and city sewer?
J. Imperio	It's well water and sewer.
Comm. E. Conklin	Well water? OK.
J. Imperio	It's on the other side of the house.

Comm. E. Conklin	Other side of the house? And you do have city sewer?
J. Imperio	Yeah.
Comm. E. Conklin	OK. Yeah, I went up to Planning and Zoning and had a talk with them in regards to the application, and, cause this whole area is all small lots.
J. Imperio	Right
Comm. E. Conklin	That's one of the issues here. That's the discussion I had with Planning and Zoning, why it's an R-1 area when there's nothing that's one acre in that whole area. I don't think there's any houses that I could find in your whole area that's a one-acre lot.
J. Imperio	Yeah. I haven't (<i>inaudible</i>).
Comm. E. Conklin	Yeah, It does. Is that a spare copy that I could show the rest of the Board?
J. Imperio	Yeah, yup.
Comm. E. Conklin	OK. Which house is yours on this?
J. Imperio	Uh, right here. 58.
Comm. E. Conklin	OK. Yeah. That's the area itself, it's in all high-density area. That's behind Huntington Center. All right. What other houses in the neighborhood are, in proximity to yours, that have close to the plot line.
J. Imperio	What's that?
Comm. E. Conklin	Said what other houses in your neighborhood, have houses, or have their side yard as small as you want?
J. Imperio	There's actually more, like if you see around Briarcliff, the road that goes right in to our house, there's some houses that are literally like 5 feet to the property line. There's four consecutive houses
Comm. E. Conklin	OK. So you're in harmony with the rest of the people that are building in that neighborhood.
J. Imperio	Yeah. Yeah.
Comm. E. Conklin	OK. And there's, that's what the residential are looks like. Questions? OK.
Whispering	
Comm. E. Conklin	Any questions, Jim, Linda?
Comm. L. Adanti	No, I'm good.
Comm. E. Conklin	OK. All right. Do you have anything else you wanna' add?
J. Imperio	No.
Comm. E. Conklin	OK. Any other questions? Good? OK. I declare the hearing closed. Uh, is there anybody opposed to this application? Anybody opposed? Anybody in favor of this application? OK. Come up to the table please? Give your name and address for the record, please.
Elena Cappiello	Elaine and Brian Cappiello, at 'uh 54 Waverly Terrace.
Unknown voice	Uh, we are the neighbor -
N. Macero	OK. Could you give your name, name also for the record?
Bryan Cappiello	Uh' Bryan Cappiello.
Comm. E. Conklin	OK. And you, where are you located on this?
B. Cappiello	We're on the addition side.
Comm. E. Conklin	So you're the direct neighbor that this is being encroached by? OK. And you have no problems with this being done?
B. Cappiello	Nope.
Comm. E. Conklin	OK. OK, thank you.
N. Macero	And we have letter saying that we agree to it.
Comm. E. Conklin	Yeah, read that.
B. Cappiello	In case we couldn't make it.
Comm. J. Jones	(Reads letter – see Addendum #1).
Comm. E. Conklin	OK. Thank you.
Commissioner Phillip Cavallaro	Good neighbors!
(<i>Laughter</i>)	
Comm. E.	OK. Anybody else in favor? OK. I declare the hearing closed. Thank you.

Conklin	
	#0716-01 41 Walnut Avenue, Nicholas T. Macero, Jr., of 41 Walnut Avenue, Shelton.
Comm. J. Jones	#0716-01, 41 Walnut Avenue, Nicholas T. Macero, Jr., of 41 Walnut Avenue, Shelton, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line on Woodfield Drive from 20 feet to 8 feet in order to allow for the construction of a 2-car, detached garage, measuring 24' x 24' in an R-2 zone.
Comm. E. Conklin	All right. Name and address for the record, please.
Nicholas Macero	Nicholas Macero, 41 Walnut Avenue, Shelton.
Comm. E. Conklin	OK. Thank you. Do you have some pictures for us?
N. Macero	Yeah. And, the last one is stakes from the uh, survey that I had done.
Comm. E. Conklin	OK. And do you have receipts from the mailing to your abutting neighbors?
N. Macero	Yes. Yup. 5 of the 6 back. The 6 th one never sent it.
Comm. E. Conklin	OK. OK. Tell us what you're trying to do and why you can't meet the regulation.
N. Macero	I'm trying to put a two-car garage at the end of the driveway. And uh, it's really the only area it can go because of uh, on the other side is septic and the well and uh, the rear is wetlands. And uh, it used to be an old barn there that was taken down about two months ago. It was three feet off the property line, I know that, was before zoning regulations. What I'm trying to
Comm. E. Conklin	So you're replacing a structure that was there previously.
N. Macero	Yeah, correct.
Comm. E. Conklin	OK.
N. Macero	Actually moving it over 5 more feet
Comm. E. Conklin	Less encroachment upon
N. Macero	Correct, correct. Here's where the old barn was. I don't know if you have a picture of that, but that barn is no longer there.
Comm. E. Conklin	OK.
N. Macero	And that's for the new garage. And that's where I'd like to put it at the end of the driveway.
Comm. E. Conklin	OK. The pool has been removed?
N. Macero	Oh yeah, that was removed before I bought it.
Comm. E. Conklin	And, what is that other object?
N. Macero	There was a cabana there that is no longer there either.
Comm. E. Conklin	OK. That's gone also. These are our copies?
N. Macero	Yeah.
Comm. E. Conklin	OK. And you're saying that you have septic and water which would be
N. Macero	Uh, on this side of the house.
Comm. E. Conklin	OK.
N. Macero	In this area here.
Comm. E. Conklin	Which would be on the, sort of the north side of the house.
N. Macero	The left side of the house. Yes.
Comm. E. Conklin	OK. Or side.
N. Macero	Yes.
Comm. E. Conklin	OK. This was originally one lot? You split this lot?
N. Macero	That was split in 2004, when my sister married, Ron Wallissa. This was all Ron and Shirley Wallissa's

	property.
Comm. E. Conklin	OK.
N. Macero	They gave it to the son and my sister back in 1994, I'm sorry. That's when the survey was done by Nowakowski.
Comm. E. Conklin	All right. Questions?
N. Macero	I had spoken to the neighbor, Mr. Petrucelli, who lives right next store, would be the only one that would be infringing with this variance and he was fine with it. He sent the card back.
Comm. E. Conklin	OK. This is what was previously on the property.
N. Macero	Yeah, there was a barn there. I have other copies - do you want to see it?
Comm. E. Conklin	No that's good. That's good.
N. Macero	OK.
Comm. E. Conklin	OK. Questions?
N. Macero	The house is sided now, that's why it looks different than, than those pictures are. It was sided last week.
Comm. E. Conklin	This is a one-acre property?
N. Macero	It's actually 1 and 3/4 acres.
Comm. E. Conklin	OK.
N. Macero	But the back of it's wetlands.
Comm. E. Conklin	Back half is all wetlands. Yes.
N. Macero	Yeah. The driveway is existing and that's where I want to, wanted to put the garage.
Comm. E. Conklin	OK. And the house has no garage at this time?
N. Macero	No. No.
Comm. E. Conklin	OK.
N. Macero	It had that barn.
Comm. E. Conklin	Right.
N. Macero	Which was dilapidated.
Comm. E. Conklin	Now, we usually put restrictions upon here - no higher than an 8-foot door and no water in the
N. Macero	Yeah it will be two 9' x 7' doors.
Comm. E. Conklin	9' x 7' high.
N. Macero	Yes, 9' by 7' high, nothing above it, just rough.
Comm. E. Conklin	OK. All right. And no problem with no water being allowed
N. Macero	Oh no, no water. There will be electricity out there for the overhead door.
Comm. E. Conklin	Yeah.
N. Macero	But that's all.
Comm. E. Conklin	OK. Did you see the pictures? You saw the pictures?
Comm. L. Adanti	Yes I did.
Comm. E. Conklin	OK. Questions? Any other questions? All those in favor of this application? Anybody in favor of this application? Any oppose this application? OK. Being nothing further, I declare this hearing closed. OK Thank You.
N. Macero	Thank you. Now what do I do? Wait for it here?
Comm. E. Conklin	Oh, we'll probably rule, discuss this probably
N. Macero	Discuss it this evening? OK. And they'll send me a letter or something?
Comm. E. Conklin	Yes.
N. Macero	OK. Thank you. Thank you, Board, for hearing this.

	#0716-02 23 Meadowridge Drive, Melissa Sylvester Fletcher and Bruce Fletcher of 23 Meadowridge Drive, Shelton.
Comm. J. Jones	#0716-02, 23 Meadowridge Drive, Melissa Sylvester Fletcher and Bruce Fletcher of 23 Meadowridge Drive, Shelton, for a variance to Section 45.9.1 to reduce the minimum lot size from 80,000 square feet (requirement for 20 chickens) to 22,500 square feet for the housing of 6 chickens in an R-1 zone.
Unknown voice	Hello.
Comm. E. Conklin	The applicant's here? How you doing? Name and location for the record, please.
Melissa Fletcher	Melissa Fletcher, 23 Meadowridge Drive.
Bruce Fletcher	Bruce Fletcher.
Comm. E. Conklin	All right. Do you have pictures for us please?
M. Fletcher	We do.
Comm. E. Conklin	All right. Send this down. All right. And you have uh,
M. Fletcher	We have receipts.
Comm. E. Conklin	Receipts from the mailings. OK. Thank you.
M. Fletcher	We sent out 4 and received 3 back.
Comm. E. Conklin	OK. Actually, we don't need those actually.
M. Fletcher	OK.
Comm. E. Conklin	We should have those from the last (<i>Inaudible word</i>) I also received this from Planning and Zoning. Want to read these? So this is part of the, it goes with that one.
Comm. J. Jones	(Reads letter. See Addendum #2)
Comm. E. Conklin	All right. Can you tell us the size of your property?
M. Fletcher	Um, it's 24,000 sq. ft. roughly, 24,500 sq. ft.
Comm. E. Conklin	OK.
M. Fletcher	And we understand now, that there was a variance under the Planning and Zoning tab on the online site where we visited, but we would appreciate and like to have you listen to our steps in understanding the process of following code. Can we tell you how we got to that point?
Comm. E. Conklin	Yeah.
M. Fletcher	So, we were asked to adopt chickens. We said we would check the code. We went to the City of Shelton website with that word "code" in mind. We went to the online service tab. Clicked on the online service tab, typed in the word "chickens" and came up with Section A, #9, which I think you have in front of you. Although a Code of Ordinance that is outdated, it states " <i>Farms, truck gardens, forestry, and the keeping of livestock and poultry, ... shall be kept on a lot of less than two acres and any building in which livestock or poultry are kept is located not less than 50 feet from any property or street line, except that an aggregate of not more than twenty chickens or similar poultry may be kept on a smaller lot if kept in a building or enclosure located not less than thirty feet from any street or property line.</i> " So, we would like to have it recorded to the Board that we did not act in any flagrant or blatant disrespectful way, that as citizens of Shelton we did check code and with that word "code" in mind, we looked at Code of Ordinance instead of Planning and Zoning. So, we are here today, to request an appeal to that Planning and Zoning
B. Flethcher	And after reading that, thinking that we were in compliance, we did talk to all our neighbors
M. Fletcher	Yeah.
B. Flethcher	To get their consent, or if they had any reservations about it. No one had any reservations or no one spoke of any.
M. Fletcher	And then while we were, our friends had left for California, we were in the middle of bringing the chickens over, and we couldn't abort the mission as we say when a neighbor informed us that we were not at code and there would be an order for a cease and desist.
(Multiple voices)	
M. Fletcher	So, since then, we have been to Planning and Zoning, to a number of times talking to Mr. Schultz, to discuss how to rectify the situation and that's why we're here in front of you today because it's our right as a citizen to appeal the decision.
Comm. E. Conklin	OK, but you're saying you read the regulations where it says that no livestock or poultry shall be kept on a lot of less than 2 acres.
B. Flethcher	Correct, but then it goes on to say, "unless there's less than 20 chickens."
M. Fletcher	Yeah, <i>except that an aggregate of not more than twenty chickens or similar poultry may be kept on a</i>

	<i>smaller lot if kept in a building or enclosure located not less than thirty feet from any street or property line.</i> ” That line there, lead us, lead us to believe that we were in compliance of code.
Commissioner Phillip Cavallaro	And you’re outside those dimensions, or?
M. Fletcher	We are 30 feet from any street or property line except from the Bacoulis family who is behind us, abutting our property in the back, and they are in favor of us. They do not oppose us having the chickens. I have a letter from Rosemary Nunez who abuts us as well not opposing us having the chickens. We keep, it’s a it’s we’ve, taken great time and expense to be sure that the chickens are well kept, that they’re safe, the run is enclosed on the top, on all sides. We’ve done 12 inches down in the ground and out from the run to ensure the safety of the chickens. The coop is, I don’t if we gave them pictures of the coop
Comm. E. Conklin	Yes, that’s what we’re looking at.
M. Fletcher	It’s a well-kept, neat coop that’s raised above ground level, and the enclosure and coop, we clean, we clean once a week. The chickens, you know, we, we treat well.
B. Flethcher	Our children are,
M. Fletcher	Our children, I mean
<i>(B. Flethcher and M. Fletcher talking together, undecipherable)</i>	
B. Flethcher	...children are very hands on in taking care of the chickens.
M. Fletcher	It’s been a good experience for everyone including some of our neighbors who are not opposed to it.
Comm. B. Vassar	You said that you’re taking care of these for someone that you know?
M. Fletcher	They moved. <i>(B. Flethcher and M. Fletcher talking together; undecipherable.)</i> They moved and asked us if we would take them
Comm. B. Vassar	So this is not a temporary situation?
M. Fletcher	No, this is not a temporary situation. Yeah. It’s not a temporary
Comm. E. Conklin	All right. This is actually Section 45.9 in writing. Read that too.
Comm. J. Jones	49.9. (Reads 45.9, Addendum #3)
Comm. P. Cavallaro	That’s the city of Shelton?
Comm. E. Conklin	Yes.
Comm. P. Cavallaro	State of Connecticut – well, where did you get these from?
M. Fletcher	I got them from the City of Shelton website, the tab that says “Online Services, Code of Ordinance.”
Comm. E. Conklin	OK
M. Fletcher	And that is Shelton. I have <i>(multiple voices; undecipherable)</i>
Comm. E. Conklin	No, this is out of there... <i>(whispering)</i> . That’s, that’s from the previous line. That’s not a heading. That’s that’s
M. Fletcher	Section 23, Permitted Use
<i>(Multiple voices; undecipherable)</i>	
Comm. E. Conklin	From the previous line. That’s the heading.
M. Fletcher	Here’s the packet.
Comm. E. Conklin	They just run their statements around in circles. All right.
Comm. P. Cavallaro	I need that back when you’re done.
Comm. B. Vassar	Jamie, pass that down.
Comm. E. Conklin	How far are you from the rear property line?
M. Fletcher	How far, how far are the hens from the rear property line?
Comm. E. Conklin	Well the, the enclosure itself.
B. Flethcher	Uh, it’s about 3 feet from the property line.
Comm. E. Conklin	So you’re

M. Fletcher	No, it's more than that. The enclosure is in the rear of the lot.
B. Flethcher	So that's about, how close is it to the
Comm. E. Conklin	To the rear (<i>voices talking over Comm. E. Conklin</i>)
M. Fletcher	Oh, I'm sorry
Comm. E. Conklin	So it's about 3 feet from the rear property line itself?
B. Flethcher	Right.
Comm. E. Conklin	OK. Is there a picture of the rear, how far
B. Flethcher	The stonewall is the uh, property line. And the reason for putting it there was because the family was very into sort of sharing the chickens with us. They wanted to be a part of the, the uh, experience. I actually drew a plot, plot, plot on the back of that. The house and where the coop is.
M. Fletcher	And the soil is well-drained there, it's dry so they have their
Comm. E. Conklin	Are all the properties in your area about a half an acre?
M. Fletcher	I think so based on the plot plan that I had, yeah.
B. Flethcher	There's a few across the street that are two acres, go deep, but most of them are within a half-acre.
Comm. E. Conklin	On the other side of the property and the houses behind you are all about a half-acre? Or are they?
M. Fletcher	Um, I don't know what they are. I think that Bacoulis has, he's here tonight – I don't know what his acreage is.
Comm. E. Conklin	Which prop? – the one in the center is yours?
M. Fletcher	23 Meadowbrook Drive is ours.
Comm. E. Conklin	Yes. OK.
M. Fletcher	This is uh, Rosemary.
Comm. E. Conklin	And you're sitting back, in the back half of this lot? OK.
M. Fletcher	And this is the Bacoulis lot.
Comm. E. Conklin	OK. So this is a better picture. See the problem is that we give this - it also goes forever. You know, the neighbor right behind you right now might be in favor but the problem is the next neighbor might not be. On top of that, this is how (" <i>marks sit</i> "??? - <i>unclear</i>) the other house itself.
Comm. P. Cavallaro	There's also nothing in the application about reducing the setback on the rear property, along with the square footage of the property. If they're going to 3 feet, shouldn't that be part of a variance?
Comm. E. Conklin	You would add another, there should be. Yeah, cause even a small shed has to be within 5, has to be 5 feet.
Comm. P. Cavallaro	That's what I'm saying, so the variance
B. Flethcher	The shed, the run is 3 feet, but the coop itself is about 6 feet off. If you see in the pictures, the run is 12' x 16'
Comm. P. Cavallaro	Hm Hm. OK.
B. Flethcher	The coop is only 3' x 4'.
Comm. P. Cavallaro	Right, but it's still within 6 feet of the property line.
B. Flethcher	Yes, yeah...
(<i>Multiple voices; undecipherable</i>)	
Comm. P. Cavallaro	The regulation is what? 20 feet?
Comm. E. Conklin	The building itself is not. The building
Comm. P. Cavallaro	No, I understand that. But the coop itself is not 20 feet
Comm. E. Conklin	It doesn't have to be 20 feet. A small building like that is only 5 feet.
Comm. P. Cavallaro	But the chicken coop in the regulations said it.
B. Flethcher	Oh, the enclosure is 20 feet.

Comm. P. Cavallaro	Enclosure is 20 feet.
<i>(B. Fletcher and M. Fletcher speaking together; undecipherable)</i>	
B. Fletcher	Said 20 feet. But the reason I said the, the reason we put it there is because
Comm. P. Cavallaro	I know. But the variance is not requesting it.
Comm. E. Conklin	No. I didn't see anything on the variance for that at all. All right. Questions?
<i>(Whispering; undecipherable)</i>	
Comm. E. Conklin	I can tell by the look on his face. Ha ha.
Comm. B. Vassar	Well, uh, the variance typically requires some sort, some sort of hardship with the property that would give us the ammunition as well, to grant a variance. So, um, so I'm looking for that, is what I'm waiting for. You know, what is about this chicken coop and these chickens that, that you have to have, why you have to have them, what about the property
Comm. P. Cavallaro	The property is too small.
Comm. B. Vassar	Well, yeah, but what's the hardship with, I mean if the hardship is the property is too small
Comm. P. Cavallaro	Hm Hm.
Comm. B. Vassar	That's it.
Comm. P. Cavallaro	That's all we, that's all we vote on. Land hardships not personal hardships.
Comm. B. Vassar	That's right.
Comm. P. Cavallaro	So this is a land hardship that the lot's too small.
B. Fletcher	But the ordinance, so the ordinance that we read online is, has no bearing on
Comm. P. Cavallaro	Oh, I'm not saying that yet. I'm just trying to get the facts straight.
B. Fletcher	I got you.
Comm. P. Cavallaro	But the hardship is the fact that the land is too small and you're too close to the rear line. But your application only states the land size, not the rear line.
M. Fletcher	I understand now. We, it's not something that we thought about when we were applying for the application. We were applying to try to keep the chickens. Because the lot size, I mean, because in the, in the ordinance itself, it doesn't talk about rear setbacks and this and that, it talks about lot size. Right.
Comm. P. Cavallaro	In the ordinance you pulled from the state. Right.
M. Fletcher	So, we didn't necessarily take that into consideration when we were applying for the variance.
Comm. P. Cavallaro	That could be a biggee to a rear neighbor who thinks it's within 20 feet because you're not asking to change that.
M. Fletcher	Yeah. I guess that's another form to fill out.
Comm. P. Cavallaro	Same form, just more information.
M. Fletcher	Yeah, another meeting to attend! Ha ha.
B. Fletcher	Another Tuesday.
Comm. E. Conklin	All right. So there's the two, two documents don't seem to match. What they have in their chart doesn't match what's in their regulations.
Comm. P. Cavallaro	Right. The chart, this is the chart here, did that address the rear line? That did address the rear line.
Comm. E. Conklin	Yes. It is not less than 50 feet from any property line.
Comm. P. Cavallaro	Right. That's even worse.
Comm. E. Conklin	Yeah.
B. Fletcher	Well, but that's not,

M. Fletcher	That's not for the aggregate amount of the lesser than 20 chickens.
B. Flethcher	It doesn't (<i>muffled, undecipherable</i>) the 30.
M. Fletcher	That's that's before the "except" word.
B. Flethcher	And we're
(<i>B. Flethcher speaking over Comm. P. Cavallaro; undecipherable</i>)	
B. Flethcher	We're in thirty of everyone but that last
Comm. P. Cavallaro	Where the city goes as low as 20 feet, that's 30 feet.
M. Fletcher	And we are, except for the rear, because we thought that if they were in favor of it, it wouldn't be a problem.
Comm. E. Conklin	That's what the problem is. Any variance goes - it's with that piece of property forever. That means of course they could tear down that chicken coop and build another structure there of a different type. It doesn't, uh, you're giving a, a variance - if that was the case, if you were asking for that, to a rear, to a rear lot line, it's forever. So there's...questions?
Comm. L. Adanti	Good.
Comm. E. Conklin	Everybody good? All right. OK. OK, anybody in favor of this application? OK. Come up to the table, please.
M. Fletcher	Whispering...do you want that for the record? Rosemary Muniz. She's my abutting neighbor.
Comm. E. Conklin	Name and address for the record, please.
Chris Bacoulis	Chris Bacoulis, 35 Hilltop Drive, Shelton.
Comm. E. Conklin	OK.
C. Bacoulis	Live right behind them.
Comm. E. Conklin	You live directly behind them? OK. And the reason why you're in favor of this?
C. Bacoulis	Well, you know we talked about we were interested in getting chickens as well. And when we had the opportunity, 'uh, it's actually, we had the idea of (<i>Muffled; undecipherable</i>); me and my wife and my kids had this idea a while back, and yeah, after what happened with them and we were like, this is great, you know, we looked at the code this is perfect, we'll just put them right between our yard. We'll both take care of them. The kids will get to have time with them. Um, we have a little, you know, (<i>muffled, undecipherable</i>) the kids, it's like (" <i>we're good when their happy?</i> " - <i>unclear</i>) now OK? So, it was, we are totally in favor where the kids are - I mean, see this is my kids here, um
(<i>Someone chuckling</i>)	
C. Bacoulis	It's such a great learning experience for them. Um, they do maintain - it's like, it's like a pet, um, they watch, they feed 'em, they uh, do everything they do if it was a dog or a chicken or a piglet or whatever. They really do love these things and uh, it's something that we have absolutely no problem with. Someone did mention before about you know, another neighbor, if a new neighbor comes in if they're not going to like the, - I don't know who mentioned that but - you know, that wasn't mentioned on the other variances either. It's, you know, you approve something based on what's there now, um, we're not planning, we're stuck in our house for a long time so we're not leaving any time soon.
(<i>Chuckling</i>)	
Comm. E. Conklin	OK.
C. Bacoulis	So, um,
Comm. E. Conklin	You're, you're in favor of the application.
C. Bacoulis	Absolutely.
Comm. E. Conklin	OK.
C. Bacoulis	It's been a, it's been a great learning experience and, it's just, they put a lot of effort into this and it took a lot of money and put a lot of uh, heart and soul into it so uh,
Comm. E. Conklin	OK. Thank you. Next.
(<i>Marie? - unclear</i>) Pisacine	My name is (<i>Marie? - unclear</i>) Pisacine. This is my husband Frank. We have been living in this neighborhood for 50 years. Our children are grown and gone. I think I'm bringing kind of a different aspect

	to this. Um, I live several houses away but
Comm. E. Conklin	On the same side of the street?
Frank Pisacine	One street over.
Comm. E. Conklin	One street over? OK.
M. Pisacine	A street over, on the corner.
Clerk T. Kelly, whispering	Excuse me, could you ask her to spell the name?
Comm. E. Conklin	OK. Could you spell the last name for
(M. Pisacine	P-i s-a-c-i-n-e. I would just like to make a comment about the neighborhood. Cause we are older, of course, we sit out on our stoop and we are making observations all the time. And we have these – we’ve seen the neighborhood turn over. We have a group of youngsters in this neighborhood that we so enjoy watching. They are just so connected to the outdoors. You don’t see kids walking around with their heads in cell phones, with their ear buds in. They are outdoors. They are riding their bikes, they are riding their scooters, they are shooting baskets, hitting their lacrosse balls into nets. They’re just outside. And I look at this, what they’re doing, as an extension of that and the connectedness of our kids, of their kids to the outdoors. And I just think it’s a beautiful healthy thing. That’s it.
Comm. E. Conklin	Thank you.
M. Pisacine	OK?
M. Fletcher	Thank you.
M. Pisacine	Frank?
F. Pisacine	Yeah, I agree with everything she says. I have to!
(<i>Laughter</i>)	
F. Pisacine	I, too, am retired, looking for things to do most of the time. But I have a little boy across the street from me. We occasionally go down and we look at the chickens and he enjoys it and I enjoy it. It’s really an education.
Comm. E. Conklin	OK. Thank you.
M. Pisacine	A very healthy, healthy involvement for all the kids in the neighborhood. Really.
Comm. E. Conklin	OK. Good. Thank you.
Laura Zuccharini	We’re Dan and Laura Zuccharini.
Comm. E. Conklin	OK. Come up so I can hear you in the microphone, please.
L. Zuccharini	Uh, Dan and Laura Zuccharini. We live at 22 Meadowridge Drive. We’re directly across the street from them.
Comm. E. Conklin	OK.
L. Zuccharini	And um, you know, I just want to say that since Melissa and (<i>sounds like “Shawn” - unclear</i>) have moved in next door, they have done so many enhancements and improvements to their property. They’ve always taken great care. They are concerned about their neighborhood. Our neighborhood has actually become more friendly since they have moved in. And these chickens, like the Pisacines said, like the kids are going there. They’re playing with them. My son likes them. My daughter likes them. The coop is beautiful. It’s not this disgusting pit of fowl smelling whatever. It’s beautiful. They take care of it. They take care of the chickens. They were very considerate. They came around. They asked everybody. They really tried to do the right thing and I just - it’s the children who are going to suffer. Like, they’re kids, like you should their daughter with these chickens, she – it’s, it’s the cutest, I mean she has like a video of it. It’s the sweetest thing. I don’t know. I just think that they should stay. I don’t think it’s an issue. We are happy to have them there and we just hope you guys pass it cause it’s a great thing. It’s everything Mrs. Piscine said too. It’s like, kids need to be outdoors. They need to be doing these things. They, they’re not loud. They’re not obnoxious. They’re not dirty. It’s just a thing, so
B. Flethcher	Blue jays are that!
Comm. E. Conklin	OK. Thank you.
C. Bacoulis	One thing about that too. Um, just uh, what you were saying, too, when these chickens first came, they would run away from everybody. And you know, it was crazy. No noises but they would just run away. These kids within, I think, 3 weeks, they literally were just the chicken whisperer, I mean they, they’d come to them, they’d just put them down, they pick them up, they’d hold them upside down like little babies. I mean, it’s absolutely, something that’s, I’ve never seen before and you know these kids will never get an

	experience like that anywhere else. And you know, they see how it takes, you know, having something that is a living animal that produces food, that they eat you know, every weekend. And how to take care of it, feed 'em, and it's a life lesson for them. And it's been quite tremendous for my girls so
Comm. E. Conklin	All right. Thank you.
M. Fletcher	Thank you.
Comm. E. Conklin	OK. Anybody else in favor of this application? Anybody oppose this application? All right come up to the table, please.
Unknown voice	Good evening everyone, um,
Comm. E. Conklin	Name and address for the
Virginia Harger	My name's Virginia Harger.
Mark Harger	I'm Mark Harger, her husband.
V. Harger	And Mark and I have resided at 26 Meadowridge Drive since July of 2000. And 3 and ½ years ago, my mom who 's 100, came to live with us. Um, we are, our room is uh, across the street and one house down from the property. And in case you may not be familiar with the residential character of the neighborhood, this was a, a map of um, there's enough for everybody, of a, a Google map of the area. Our house is the one circled in red. They're all the same, so if you could pass them down. And the house in red is the applicant's, across the street. Uh, I'm here tonight acting in 2 capacities: As a Meadowridge Drive resident and as a Shelton Planning and Zoning Commissioner. We are not in favor of allowing chickens in the neighborhood and we ask that the Zoning Board of Appeals deny this application for a variance. The neighborhood is a highly residential are. Lots vary from a half-acre to over an acre. Our lot and the neighbor next door at 22 Meadowridge Drive, who just spoke, have um, lots that, the largest in the area of 1 and 2 tenths of an acre. Our neighborhood definitely could not be characterized as one rural or cultural, and I am not in favor of allowing the chickens as doing so would change the character of the neighborhood, with the potential of reducing our property value. The applicants were made aware prior to obtaining the chickens in mid May, by myself, that a new Planning and Zoning regulation, Section 45.9 was approved on February 25, 2015 and it was to go into effect on March 6 of 2015. And you read from them, but each, each of you need a copy to refer to, - there's copies. The new regulations included the following standards and conditions, all of which the applicants are in violation. There needs to be a minimum lot size of 80,000 sq. feet. That's 2 acres. The applicants have 52/100ths of an acre. A little over a half. Um, screening of the chicken enclosure has to be done at all time, from adjacent property lines and the street line. And that is not the case. The chickens have to be kept in an enclosure at all times and that is not the case. And uh, as recently as 6:30 this evening when they were all out on the yard. And um, my husband witnessed that and he can attest to that.
M. Harger	Right. On both sides of the house, left and right.
V. Harger	And the chicken enclosure is supposed to be positioned no less than 20 feet from any side or rear property line. And as the Chairman mentioned, variances go with the property for the rest of the life of the property. Any hardship that the applicants may be claiming is self-imposed. The ZBA should not grant this because it's going to set a precedent that residents can go and just do whatever they want in town and violate any regulation for personal reasons. Um, why is it that you have a meeting just about every month? Why is it that the Zoning Commission has a meeting, and this month we're meeting 3 times, because we have regulations in town that were adopted by people elected to serve the public good and this is not, and violating this, um, granting a, a variance is just throwing that all out the window. And all the hard work that we do. This whole thing started um, as a, a drive to change the zoning regulations back in December of 2013. If you look back at your agenda, you'll see that there was a, an application on, um, as #1. Mr. Mota and Ms. Diaz on Walnut Avenue, they had asked for a variance to keep chickens on their property. And at the time, the um, that particular December meeting didn't take place. It was cancelled I think because of a lack of a quorum. And in January of 2014, all of those agenda items except that were back on the agenda and it was determined that they had withdrawn their application for a variance. And there was a request from the Zoning Board of Appeals to the Planning and Zoning Commission that we, we look at our regulations and see if they needed to be revisited and amended. So, um, the Zoning Subcommittee got to work on that and it was in February of 2015 that these new regulations were proposed to us and uh, they were voted upon and passed. That night, I was the only Zoning Commissioner to vote against it. I had said I don't see any demonstrated need to change the um, zoning regulations. I felt that they should be kept as they were. We are not an agricultural community like it used to be. So,
Clerk T. Kelly	Excuse me, Mr. Chairman, I have to change the tape.
Comm. E. Conklin	One second please, we have to change tapes.
Clerk T. Kelly	I'm so sorry.
V. Harger	I was the sole commissioner to vote against it. I felt that there was no demonstrated need to change the regulations. It would cause a hardship on the zoning officials upstairs to have to go and um, ch - this increased workload. So, I felt that it was no need to. The one thing that I, I did come across when I was

	going through Benedict Agway's um, cat, website, is that they had a catalogue for henhouses and as I flipped through it I came across a page that talked about predators. And, you know, here, since we've moved in, we have deer. We have chipmunks. We have turkey vultures. We have
M. Harger	Turkeys.
V. Harger	Wild turkeys.
M. Harger	Rabbits.
V. Harger	Rabbits. Chipmunks. But we've also had hawks now flying around. We also now have had coyotes go through.
M. Harger	Fox.
V. Harger	Fox. And these are predators for them. I don't feel that we should do anything to encourage even more wildlife coming through. The ones that we have, we're living in harmony with, so I just don't want to take the chance of – and there have been bobcats that have been sighted in town. And I don't, for the safety of the residents in the neighborhood, I don't think that we should encourage anything else to attract them So, for the reasons I've stated I would ask that the Zoning Board of Appeals deny this particular application for a variance. It's just totally out of character to uh, it really flies in the face of the regulation that we have, that we put a lot of thought into, and um, as the, Rick Schultz indicated in his letter, it was a unanimous decision by the Board, that they asked that it be denied.
M. Harger	Also, my concern too, is that property values in the future – someone looks at the neighborhood and they see that, they may not think quite as, as favorable about moving into our neighborhood. And they, you know, have to be considered.
Comm. E. Conklin	OK. Thank you.
V. Harger	Thank you.
Comm. J. Jones	So, I have a question.
M. Harger	Sure.
Comm. J. Jones	So if you have 40,000 sq. ft., are you allowed to have any chickens?
V. Harger	No. You have to have a minimum of 80,000 sq. ft.
Comm. J. Jones	So that would probably preclude nearly every residence -
V. Harger	Yeah. Actually, when I was, um, we were discussing
Comm. J. Jones	Why, why, why did the, why did the city feel that this should be the case?
V. Harger	It was 5; you needed to have 5 acres before. And they felt that well maybe now it's a little bit too restrictive, so let's, uh, and I felt, I think that there was some thought of well, let's accommodate the gentleman up on (? - sounds like Molin - unclear) Avenue.
Comm. J. Jones	Did you know the city of New Haven allows 6 hens to be kept on any property?
V. Harger	Yeah, there was somebody that came and they made some comment at that night of the public hearing.
Comm. J. Jones	I mean, I just, I do think that with the times of, interest in low point grow and everything else that -
V. Harger	There was also something on the website. I spoke to uh, Rick today, and uh, the comment was, and if you want to take that or not because it's here say, "Don't tell my wife but these chickens are costing me \$40 a dozen now, because of the upkeep and the, everything else that goes into it." I don't know if that's the case, but be that as it may, this is changing the character of the neighborhood and I feel it's an imposition on the neighbors that have lived there for a number of years, that it be done and be allowed. This, what they were notified in mid May that they were in violation. And the comment was, "What's going to happen? Am I going to lose my house?" No, you may, you're not going to lose your house but the zoning, uh, there's going to be a complaint filed and then the, um, we're going to have a cease and desist order will probably be issued. And, if that's ignored, then it goes to court. You know.
Comm. J. Jones	A cease and desist order was issued.
V. Harger	Yeah. There was about, a good month before I went up to the zoning office and filed a complaint. I gave them the time to rectify the situation and for the city, uh, Tom Dingle and Rick to look into it. And they did, and after that, they did do the cease and desist order. So, there's a reason why regulations are done. And
Comm. J. Jones	Is the city aware of how many chickens are being kept in the town? In R-1 zones?
V. Harger	I don't know. I don't know. But if people are um, keeping them – that doesn't mean just because it's a, a, they're violating the law that they should look the other way. You know, people go through stop signs all the time on city roads, does that mean we're going to start pulling up the stop signs now, because we don't want them to be in violation? No. And as a Commissioner, living directly across the street, I had to say, speak up and say something. How could I possibly look the other way? I've been on the commission for 10 years. I take an oath to uphold the regulations in the town. That's what I was elected to do. So, that's where I'm coming from.
M. Fletcher	Can I just say that we understand that, and
Comm. E. Conklin	OK. Before you, before you start, all right. Are you done?
V. Harger	Yeah.

Comm. E. Conklin	OK.
M. Harger	We're done.
V. Harger	OK. Thank you.
Clerk T. Kelly	His first name?
Comm. E. Conklin	Oh. Mark.
Clerk T. Kelly	Thank you.
M. Fletcher	We do understand everything that was said and we did say on July 1 st we received a cease and desist. We were aware -
B. Flethcher	It's a letter of non-compliance.
M. Fletcher	OK. And we were aware of the fact but we have since we were notified that we were not in compliance, we were at City Hall a number of times discussing – we did not blatantly ignore the fact that we made a mistake in reading the wrong code, that is on, as of last week, on the City of Shelton's website under online services. City of Shelton, Online Services tab on the right hand side, and so we really didn't blatantly disregard the compliance and protocol that was set forth.
Comm. B. Vassar	Is a permit required for this, coop, do you believe?
Comm. E. Conklin	To basically do anything?
Comm. B. Vassar	To erect it?
Comm. E. Conklin	To do anything, as far as I know, there's a permit required.
Comm. B. Vassar	Was there a permit pulled to?
M. Fletcher	No, we did not pull one
B. Flethcher	It doesn't say it. It didn't say it in the ordinance that a permit was required.
Comm. E. Conklin	Well, that would be the Building Department to approve the structure.
Comm. B. Vassar	Well, any structure, any structure that is erected has to have a permit and if you go before, if you submit it to the Zoning Department, they would then have the chance to review that application and see how it coincides with the current code.
M. Fletcher	We did not do that.
Comm. E. Conklin	Yeah. That's how it gets caught because if you apply for a building permit, you have to go to Planning and Zoning first. They approve and then you get a building permit.
Comm. B. Vassar	They wade through the most current information and apply it to your application.
Comm. P. Cavallaro	The 200 sq. ft. rule that the state has on sheds and decks....we can then approve if necessary?
Comm. E. Conklin	I'm sorry. Can you state that over?
Comm. P. Cavallaro	There's a, the State of Connecticut adopted where sheds under 200 sq. ft. are no longer required to get a permit. Does Shelton go along with that?
Comm. E. Conklin	Yeah, no, that's still, you still get a permit, it's just make sure that it's set within the setbacks.
Comm. B. Vassar	It may a Building Department thing that you're talking about.
Comm. P. Cavallaro	Right.
Comm. B. Vassar	But you still have to make sure that the setbacks are adhered to.
Comm. E. Conklin	And the city can have stiffer regulations than the state. OK.
B. Flethcher	If it's a movable shed, is that?
Comm. P. Cavallaro	It's up to the local zoning on that one.
Comm. E. Conklin	OK. All right. Anything further? You've already spoken, you're not allowed. Anything further?
M. Fletcher	I don't think so. I think that -
Comm. E. Conklin	The Board have any other further questions? OK.
Comm. B. Vassar	Is anyone else opposed or are we done with that?
Comm. E. Conklin	What's that?
Comm. B. Vassar	Is anyone else opposed?
Comm. E.	I'm going to check. Anyone else opposed? (<i>sounds like "I asked everybody" - Muffled; undecipherable</i>)

Conklin	OK. Being no more, uh, any, do you think there's any reason to keep this open to ask of anybody?
Comm. P. Cavallaro	Well, I do have a question about this website ordinance.
Comm. E. Conklin	What about it?
Comm. P. Cavallaro	Well, why does the website say you can do it and the rules say you can't do it?
Comm. E. Conklin	Well, would you want to keep it open and send a letter to Rick Schultz and ask him conflict of, get a resolution on that?
Comm. P. Cavallaro	Yeah, I think that should be done.
Comm. E. Conklin	OK. Phil was asking that we send something to Planning and Zoning and say there's sort of a conflict, the two aren't matching, and get resol - find out what they say about that. All right. OK. We're going to keep the hearing open uh, so we can get some answers from Planning and Zoning - for next month.
B. Fletcher	OK.
M. Fletcher	So what does that mean for us?
Comm. E. Conklin	We aren't going to make a decision tonight. OK. Just so we can get more input before we sit down and make a decision. OK?
M. Fletcher	And then we'll be invited back to the meeting?
Comm. E. Conklin	Uh, you can come back next month if you'd like to. Yes.
M. Fletcher	We can come next month. OK. Thank you so much for your time.
B. Fletcher	Thank you so much for your time.
Comm. E. Conklin	OK. Yes.
Comm. B. Vassar	Good night.
M. Fletcher	You too.
Comm. P. Cavallaro	I just think that that needs to be closed, that loop.
Comm. E. Conklin	Yes. OK.
Comm. J. Jones	Skipping Blackberry?
Comm. E. Conklin	Uh, yeah. Let's get all the information I need for this, for everybody. Yeah. He's got one of those.
	#0816-01 217 Long Hill Cross Road, Lucian Leszczynski, Sr.; Anna Leszczynski; Lucian Leszczynski, Jr.; and Daniel Leszczynski of 217 Long Hill Cross Road, Shelton.
Comm. J. Jones	#0816-01, 217 Long Hill Cross Road, Lucian Leszczynski, Sr.; Anna Leszczynski; Lucian Leszczynski, Jr.; and Daniel Leszczynski of 217 Long Hill Cross Road, Shelton, for a variance to Section 24.8.4 to reduce the minimum setback from a residential zone from 75 feet to 18 feet to allow for the installation of pavement in a Light, Industrial zone.
<i>(Voices whispering)</i>	
Comm. E. Conklin	OK. Name and address for the record, please.
Jim Swift	Jim Swift, 102 Village Drive, Civil Engineer representing Anco Engineering.
Dan Leszczynski	Anco Engineering, Owner, Dan Leszczynski, 217 Long Hill Cross Road.
Comm. E. Conklin	OK. If people don't remember, we heard this application
Comm. B. Vassar	I need to say this. I did work for them. Recently. We just put a sign up in their building.
Comm. E. Conklin	I don't think this is going to be an issue.
Comm. B. Vassar	OK. I just need you to know before you start talking.
Comm. E. Conklin	OK. This is, came back - what happened is they resubmitted the application to us, back I think, in March. <i>(Muffled; voices talking over Comm. E. Conklin.)</i>
Comm. B. Vassar	This was the tracts on the back of the building?
Comm. E. Conklin	Yeah. Let me just get my notes out for this.
Comm. L. Adanti	This was later than May. Might have been May.
Comm. E.	Yeah. I think so. It was back in, it might have been May.

Conklin	
Comm. L. Adanti	Yeah.
Comm. E. Conklin	Here it is, yeah. It was May of this year. And we approved this. And what, what, they're reapplying again not for any other reason than they put the wrong name on the application. The name they put was the name of the business and an application has to go with the owners of the property. And you've resubmitted with the, as, as the owners of the property. You are not changing anything or applying for anything different at all, are you?
J. Swift	That's correct.
Comm. E. Conklin	OK. So you are still staying within, what we approved last time was uh, they were looking to wa, da, da, da, allow construction of pavement within 18 feet of a residential zone within 75 foot setback of a residential zone. It was granted. The variance was approved insomuch as the wetlands buffer significantly the address, will not result in industrial parts being manufactured in this area, the wetland provides a greater than 200 foot buffer to the residential lots, and no noise increase will result in the property after the construction. That was what we approved of last, last time.
J. Swift	Correct.
Comm. E. Conklin	OK. All right. So this is just sort of a clarification of setting, who actually owns the property. Uh, but I will open it up for any discussion, in case we do, OK? All right to stand as it, as it is in front of us? All right.
J. Swift	And for the record, Mr. Chairman, I do have pictures, and advertised
<i>(Multiple voices, undistinguishable)</i>	
Comm. E. Conklin	OK. I do have to ask is there anybody, anybody in favor of this application? OK. Is there anybody opposed to this application? OK. Was it satisfactory how I handled that for you gentlemen?
J. Swift	OK
Comm. E. Conklin	OK. Being no further questions, I declare this hearing closed.
D. Leszczynski	Thank you.
J. Swift	OK.
Comm. B. Vassar	Sorry. I just didn't know,
Comm. E. Conklin	OK. It's, it's OK,
Comm. B. Vassar	...process, you know what I mean, I didn't want to be, I didn't want you to start getting into it and I
Comm. E. Conklin	Ha Ha!
	#0816-02 42 Murry Avenue, Perry Building and Construction Services of 34 Lazy Brook Road, Shelton, (Property Owners Jessalyn Ann Iannone and Andrew Jones Iannone, 42 Ann Avenue, Shelton).
Comm. J. Jones	#0816-02, 42 Murry Avenue, Perry Building and Construction Services of 34 Lazy Brook Road, Shelton, (Property Owners Jessalyn Ann Iannone and Andrew Jones Iannone, 42 Ann Avenue, Shelton). for a variance to Section 24.4.11 to reduce the longer lot line setback from 15 feet to 5 feet to allow for the construction of a single-family colonial in an R-4 and R-5 zone.
Comm. E. Conklin	OK. Name and address for the record, please.
Tracy Lewis	My name is uh, Tracy Lewis, I am a licensed land surveyor, Lewis Associates, and I'm at 260, my office is at 260 Main Street in Monroe.
Comm. E. Conklin	OK.
T. Lewis	And I'm here representing the applicant.
Salvatore Perry	Salvatore Perry, owner of Perry Construction Services, 34 Lazy Brook Road, Shelton, CT.
Comm. E. Conklin	Pictures please and those are the receipts from the neighbors?
T. Lewis	Neighbors, yup. These are the pictures.
Comm. E. Conklin	OK. Linda.
T. Lewis	So we're located, um, between the Sunnyside School area and the, and the uh, cemetery on Ann Avenue and Murry Avenue. So I have a map that (plans rustling loudly) and the site plan, um, an existing house at 42 Ann Avenue and the lot that they want to do is on the end facing Murry Avenue. 'Um, these are original old lots that were created back in the early 1900's. They were those 25-foot strip lots. Uh, so, so, uh Sal would like to do a house on this, this colonial house on this lot (plans rustling loudly). We, we consternated on how to fit the house on the lot, uh, the lot is narrow, uh, but it's long. Uh, it has 5,000 sq. ft.; it's in an R-5 zone. Uh, it's only an R-5 zone. I know, uh, you might have mentioned it in your legal notice that it was an R-4 but it was partly R-4, but it's not. It's all an R-5. So, to get away from, from making a cigar box-type

	house, narrow, uh, facing Ann Avenue, uh, with a very small rear yard and eliminating the yard, uh, in the area, we decided to turn the house, put a colonial in, turn the house, face it toward Murry Avenue. And in doing that, we realized we needed some setbacks from the street line. The regulations require 15 feet from any street. We're a corner lot. But the house is basically going to face Murry Avenue and we have extra dimensions and pavement on this side so we are going to have a lot of grass area on this side of the house. Um,
Comm. E. Conklin	Is this one lot right now that you're dividing? Or is this two?
T. Lewis	Uh, it's actually fi, fi, it's a four, individual, 25-foot lots. Uh, and, and in order to get the 5,000 sq. ft. on this lot we needed to revise this whole line. And went in-between, slightly. It's, it's that small triangle. Um, so that's, that's how we did that. Uh,
Comm. E. Conklin	So, you're combining, making 2 large lots out of 4 small lots.
T. Lewis	Yes. Yes.
Comm. E. Conklin	OK. Do you have an original plot plan that shows the 4 small lots?
T. Lewis	Yes. <i>(Very loud rustling of paper)</i>
Comm. E. Conklin	I want to see this.
T. Lewis	This is the old Highland Terrace.
Comm. E. Conklin	OK
T. Lewis	Uh, this is the one we're doing. And this is the other portion.
Comm. E. Conklin	OK. So it's 4 long lots
T. Lewis	Yeah. 4 long
Comm. E. Conklin	4 linear lots, they are facing Grove and Hill and not facing
T. Lewis	And it's kind of odd because it goes around. You know, you'd think it would change a name but it doesn't. It keeps going.
P. Cavallaro	These are the old names right here?
T. Lewis	Those are the old names, yeah that's
Comm. E. Conklin	What is, Murry is now, was the old Hill?
T. Lewis	Yeah. That's Mur, that's now Murry.
Comm. E. Conklin	Grove Street is Ann
T. Lewis	Now Ann, yeah.
Comm. E. Conklin	Wraps around. OK.
T. Lewis	Back in the old days, they didn't realize they named a road already Grove Street so they
	<i>(Chuckling)</i>
T. Lewis	So, but you can see from the, another thing I wanted to mention to you was that you can see from the pictures, they aren't a lot of help because there's, there's a lot of brush that goes around this lot. There's a, there's a si - there's a six or an eight foot high chain link fence that goes around. You know, Sal's going to clean that all up. But this will be all, this will be all lawn. It will look nice. This is the worst looking portion of this whole area.
	<i>(Muffled; undecipherable)</i>
T. Lewis	It's just, it's, it's really ugly. Um, there's some uh, there's some 2 family houses on this side. Uh, this, the footprint of the existing house and this house are somewhat the same. It fits in with the neighborhood. Uh, <i>(Muffled due to loud, rustling of papers)</i>
S. Perry	There's city utilities (? - unclear) in the road here. So this road here will never need any widening for city sewers, city water.
Comm. E. Conklin	Obviously, the house is already being serviced by city water, city sewer.
S. Perry	Absolutely, yeah.
Comm. E. Conklin	And gas, or
S. Perry	There's no gas in that neighborhood, actually. I asked them that. But the river's plenty wide for much larger <i>(Shows? - cannot decipher)</i> than these corner lots that go for the variances. It's got a lot of grass.

Comm. E. Conklin	OK.
T. Lewis	So he was kind of anticipating something, this is a house, that's, on another part (<i>Muffled; multiple voices; undistinguishable</i>). This way, here, the deck will be in the back and they have room here to play and uh, just make it fit.
Comm. E. Conklin	OK. And you're saying the actual curb is out here and the house is actually going to be sitting around 20 feet, a minimum of 20n feet from the curb line itself.
S. Perry	More than 20 feet. It's going to be yeah, more than that, actually.
Comm. E. Conklin	OK.
S. Perry	Which is more than a lot of the corner lots go for.
(<i>Loud rustling papers</i>)	
Comm. E. Conklin	OK.
T. Lewis	We meet all the setbacks on all the other sides.
Comm. E. Conklin	All the other sides, yeah. Just the one on the
(<i>Loud rustling papers</i>)	
S. Perry	A lot of the houses here (<i>muffled</i>) a lot of them encroach as you can see. As you go down this whole street here, besides a couple of new constructions, a lot
Comm. E. Conklin	Look at this one, this one
S. Perry	Yeah, when you
(<i>Voices talking together; undecipherable</i>)	
Comm. E. Conklin	Now all these lots are still empty on this side?
S. Perry	No, there's
T. Lewis	No, there's 2 family homes, yeah.
S. Perry	Those are duplexes done in like the mid-80s probably, in there.
Comm. E. Conklin	OK. Then yours are str – in this single family?
T. Lewis	Correct.
Comm. E. Conklin	Single family (<i>voices talking over Comm. E. Conklin</i>)
S. Perry	Exact – we've done quite a few up over the corner, all R-5,
Comm. E. Conklin	OK.
S. Perry	Basically the exact house in that picture with the trees
Comm. E. Conklin	Any problems with this, restricting that as a single family?
T. Lewis	Oh, no.
S. Perry	No. No. I've, I've never asked for a variance in 18 years of building in this town.
Comm. E. Conklin	OK. All right. Questions of the Board? All right? Questions? OK. Uh, all right, we have to keep this.
S. Perry	Yeah, you can keep that. You can keep this. Yup. Yup.
Comm. E. Conklin	All right.
S. Perry	Got to keep that, (<i>muffled; undecipherable; papers rustling loudly</i>).
Comm. E. Conklin	OK. Anybody in favor of this application? OK. Anybody opposed to this application? All right. Any other questions of the Board? Being no others, I close the hearing then. Thanks.
S. Perry	Have a good night.
	#0816-03 107 Nichols Avenue, Orlando Soto of 107 Nichols Avenue, Shelton.
Comm. J. Jones	#0816-03, 107 Nichols Avenue, Orlando Soto of 107 Nichols Avenue, Shelton, for a variance to Section 24.11.4 to reduce the setback from the left side property line in the rear lot from 40 feet to 15 feet to allow for the construction of a garage in an R-1 zone.
Orlando Soto	Orlando Soto and I reside at 107 Nichols Avenue.
Comm. E.	OK. Do you have pictures for us, please? I see that quite a few people about your property.

Conklin	
O. Soto	Nine. And all nine uh, signed
Comm. E. Conklin	OK. In case they're hiding things back there, here's more pictures!
(Chuckling)	
Comm. E. Conklin	I'm sorry, all right. Those down there....this goes with that. OK. These are the return cards. Do you have the receipts of mailing?
O. Soto	Yeah.
Comm. E. Conklin	These are more important actually. OK. So we got it all....keep those, goes with this. OK. Tell us what you're trying to do and why you can't meet the regulations, please.
O. Soto	Um, looking to build a 2-car garage. And, I'm looking to - I have 40-foot setback that because of the R-1 rating of my property, I'm looking to make that 15 feet.
Comm. E. Conklin	OK.
O. Soto	And where the garage is scheduled to be built, it's the only place that I can put it. I have uh, to the left of the house there's a well there; I couldn't put it near the house cause then I would need uh, have problems with the setback there. And I can't put it to the right side of the house um, it's too narrow on that side and that's the side where my oil tank is.
Comm. E. Conklin	I see one of the major problems here is that the lot is extremely odd-shaped. Ha. Ha. It's, it's a rear lot, you have a lot, you have plenty of acreage,
O. Soto	Yes.
Comm. E. Conklin	But the lot itself is uh, extremely odd-shaped here. Send this down the other end - this is part of the map here. This leads in from his driveway to a lot that gets bigger, but it's
O. Soto	It's just under 2 acres and the house pretty much sits in the middle of it.
Comm. E. Conklin	Right. Yeah, it sits right in the middle of the whole access to get to the back half of the property.
O. Soto	Right. And uh, I need the, I need the variance because if I brought the garage closer it would be right on the driveway.
Comm. E. Conklin	OK. Where is the septic system in that? I saw the road
O. Soto	Yes. The septic is in the rear of the house.
Comm. E. Conklin	All right. OK.
O. Soto	That's the well. You come up the driveway that's where the garage would be. This is where my existing garage is.
Comm. E. Conklin	OK. All right. How close is the neighbor to that property?
O. Soto	Um, that's open to 7 acres. There's open land there. (<i>Undistinguishable</i>)
Comm. E. Conklin	OK.
O. Soto	Um, that neighbor wanted, it's owned by, it's a family-owned property. And one of the persons that's owner here, Mr. Fray, is the person that signed the uh, the uh, notice.
Comm. E. Conklin	OK.
O. Soto	He came out to the property. I showed him exactly what I was going to do and he didn't seem to have a problem with it.
Comm. E. Conklin	OK. All right. Questions? You guys? Want to send that down to the other side? You got that, Phil?
Comm. P. Cavallaro	Yeah.
Comm. E. Conklin	Here we go, property line. Can you see that one?
Comm. P. Cavallaro	Yeah, that's what I'm looking at.
O. Soto	That's 7 acres on that side. That's undeveloped property.
Comm. E. Conklin	OK.
O. Soto	And I've been there almost 20 years and it hasn't been touched.
Comm. E. Conklin	Yeah.
O. Soto	The picture marked -

Comm. E. Conklin	OK. What type of building is this going to be? It's going to be a 2-car garage,
O. Soto	Just a 2-car garage.
Comm. E. Conklin	OK. How high is it going to be?
O. Soto	Uh, 20 feet.
Comm. E. Conklin	20 feet? And it's going to have a second story or just a peak?
O. Soto	Just a loft. Just a storage loft.
Comm. E. Conklin	OK. But no walls on the second story? Just going to be
O. Soto	No, I have a picture.
Comm. E. Conklin	Drawing of what it's going to be? OK good. Garage door height on this?
O. Soto	It's the standard, uh,
Comm. E. Conklin	No higher than 8 feet?
O. Soto	Yeah. Yeah.
Comm. E. Conklin	OK.
O. Soto	Uh, I wanted it to look nice, that's just looks nice.
Comm. E. Conklin	The usual restrictions are also no water in that structure?
O. Soto	No water.
Comm. E. Conklin	OK. OK. You're not going to use this for business? Strictly for residential use?
O. Soto	Not business, I retired.
(Chuckling)	
Comm. E. Conklin	Questions?
O. Soto	I have a 16-year-old daughter and she going to be the beneficiary of this. Her first car is going to get parked in there.
Comm. B. Vassar	Is there any reason why you can't increase this? Why not pull it forward, closer here? To the driveway?
O. Soto	It's, it'll, right now, if someone backs out of this driveway, they, they almost drive onto the grass and that's where the turn-a round would be restricted too much. Also,
Comm. B. Vassar	Is there a driveway there now?
O. Soto	Yes. Well, this way. And there's an open – the driveway kind of like, there's was basketball court there so just imagine a
Comm. B. Vassar	So that's where they turn around now.
Comm. P. Cavallaro	So, that's the existing turnaround?
O. Soto	That was the turnaround. (<i>Muffled, quiet – "at the house"?</i>) So,
Comm. B. Vassar	So there's a turnaround there now?
O. Soto	There's, enough to turn around.
Comm. P. Cavallaro	That's what he's saying. You back this in to turn around and drive out?
O. Soto	Correct.
Comm. P. Cavallaro	That exists already?
O. Soto	Some of it, not all of it.
Comm. P. Cavallaro	OK.
Comm. B. Vassar	But it's enough to turn around. So it is a turnaround now?
O. Soto	Yes, but, like I said, when they, when you turn around in there, you have to go onto the grass. The asphalt, it's not enough.
Comm. B. Vassar	Oh, I see. That makes sense. I see.
O. Soto	But it wasn't made for that. It was, it was a basketball, you know, basketball hoop there.
Comm. B. Vassar	I understand.
O. Soto	Um, but, someone could hit the garage, if they, you know,
Comm. B. Vassar	I understand.
O. Soto	And aesthetically, this is the opening here, in this (? - <i>undecipherable</i>), when you come up the driveway, all

	you would see is the side of the garage and it would take away from the, the value of the property.
Comm. B. Vassar	What's here?
Comm. P. Cavallaro	7 acres.
O. Soto	Of undeveloped land.
Comm. P. Cavallaro	Undeveloped
Comm. E. Conklin	Questions? Jim? Linda?
Comm. L. Adanti	This is the, you already got garages underneath the house on this side?
O. Soto	Yes. That's a 2-car garage that I have right now. The picture marked left, I took a photo of that side and then there's 2 garbage cans there, that's where the garage is going to go.
Comm. E. Conklin	OK.
Comm. B. Vassar	Do you have the overall site plan down there still?
Comm. L. Adanti	I don't have it.
Comm. E. Conklin	All right – do you guys want to look at that? Uh, is there anybody else in favor of this application? All right, you want to come up to the table, please? Have a seat, or?
Unknown voice	I'd rather stand.
Comm. E. Conklin	Name and address for the record, please?
Mary Young	Mary Young, 111 Nichols Ave.
Comm. E. Conklin	OK. Are you the house in front of them? Or where are you located?
M. Young	We're in front of them.
Comm. E. Conklin	OK.
M. Young	Orlando's behind us, yes.
Comm. E. Conklin	OK. Are you going to speak sir?
Unknown voice	Uh, no. She could speak.
Comm. E. Conklin	OK.
M. Young	You could put your name down too!
(Chuckling)	
M. Young	Um, so we have no problem with the proposed addition to the, with the garage. The way the property is set back, it's invisible to us.
Comm. E. Conklin	OK.
M. Young	So there's no
Comm. E. Conklin	OK. No objections at all?
M. Young	No objections at all.
Comm. E. Conklin	OK. All right. Thank you. Anybody else in favor? Anybody opposed? OK. Any further questions from the Board? OK. If no further discussion, I declare this hearing closed. Thank you.
O. Soto	Thank you.

Working Session:

1. #0616 – 01 58 Waverly Terrace, Joseph and Allison Imperio, of 58 Waverly Terrace, Shelton, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line from 20 feet to 10 feet and a variance to Section 24, Schedule B, Line 11 to increase the maximum impervious lot coverage from 15% to 16% to allow for the construction of a two story addition, 24 feet by 28 feet in an R-1 zone.

Motion made by Commissioner Vassar and seconded by Commissioner Cavallaro to approve the variances. Motion approved by unanimous vote.

2. #0716-01 41 Walnut Avenue, Nicholas T. Macero, Jr., of 41 Walnut Avenue, Shelton, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the right side property line on Woodfield Drive from 20 feet to 8 feet in order to allow for the construction of a 2-car, detached garage, measuring 24 feet x 24 feet in an R-2 zone.

Motion made by Commissioner Jones and seconded by Commissioner Cavallaro to approve the variance with stipulations. Motion approved by unanimous vote.

3. #0716-02 23 Meadowridge Drive, Melissa Sylvester Fletcher and Bruce Fletcher of 23 Meadowridge Drive, Shelton, for a variance to Section 45.9.1 to reduce the minimum lot size from 80,000 square feet (requirement for 20 chickens) to 22,500 square feet for the housing of 6 chickens in an R-1 zone.

Hearing to be continued until the October meeting after consultation between ZBA and Planning and Zoning.

4. #0716-03 28 Blackberry Lane, Frank Vozzo (The Vopa Group) of 28 Blackberry Lane, Shelton, for a variance to Section 24, Schedule B, Line 9 to reduce the left side setback from 30 feet to 20 feet to allow for a 15 feet x 38 feet addition in an R-1 zone.

Application withdrawn.

5. #0816-01 217 Long Hill Cross Road, Lucian Leszczynski, Sr.; Anna Leszczynski; Lucian Leszczynski, Jr.; and Daniel Leszczynski of 217 Long Hill Cross Road, Shelton, for a variance to Section 24.8.4 to reduce the minimum setback from a residential zone from 75 feet to 18 feet to allow for the installation of pavement in a Light, Industrial zone.

Motion made by Commissioner Cavallaro and seconded by Commissioner Jones to approve the variance. Motion approved by unanimous vote.

6. #0816-02 42 Murry Avenue, Perry Building and Construction Services of 34 Lazy Brook Road, Shelton, (Property Owners Jessalyn Ann Iannone and Andrew Jones Iannone, 42 Ann Avenue, Shelton) for a variance to Section 24.4.11 to reduce the longer lot line setback from 15 feet to 5 feet to allow for the construction of a single-family colonial in an R-5 zone.

Motion made by Commissioner Jones and seconded by Commissioner Cavallaro to approve the variance. Motion approved by unanimous vote.

7. #0816-03 107 Nichols Avenue, Orlando Soto of 107 Nichols Avenue, Shelton, for a variance to Section 24.11.4 to reduce the setback from the left side property line in the rear lot from 40 feet to 15 feet to allow for the construction of a garage in an R-1 zone.

Motion made by Commissioner Vassar and seconded by Commissioner Adanti to approve the variance with stipulations. Motion approved by unanimous vote.

Acceptance of the Minutes of July 20, 2016.

Motion to approve the minutes as submitted by the clerk was made by Commissioner Adanti and seconded by Commissioner Vassar. Motion passed by unanimous vote.

SHELTON BOARD OF ZONING APPEALS

Respectfully submitted by **Tina M. Kelly**
for Philip Jones, Secretary

***ADDENDUMS #1, #2, #3 ATTACHED**

Addendum #1
(Sept. 20, 2016 Minutes)

September 20, 2016
Bryan & Elena Cappiello
54 Waverly Terrace
Shelton, CT 06484



To Whom It May Concern:

We are writing in regards to our neighbor's (Joseph and Allison Imperio) request for a variance for their home improvement addition. We fully support their request for the variances and we are pleased that our neighbors are going to improve their home. Please contact us if you have any questions.

Thank you.

Elena & Bryan Cappiello

Bryan & Elena Cappiello

Sept. 20, 2016 Minutes - Addendum #2



203-924-1555 Ext 1510
Fax: 203-924-6980
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City of Shelton

Office of Planning and Zoning
54 Hill Street
Shelton, Connecticut 06484-3207

Richard D. Schultz, AICP
Planning and Zoning Administrator
Ext. 1361

Thomas Dingle
Asst. P and Z Administrator
Zoning Enforcement Officer
Ext. 1351

Fred Wills
Zoning Enforcement Officer
Ext. 1320

MEMORANDUM

To: Ed Conklin, Chairman
Board of Zoning Appeals

From: Richard D. Schultz, Planning and Zoning Administrator *RDS*

Date: September 15, 2016

Re: ZBA Application #0716-02

The Shelton Planning and Zoning Commission at their September 13, 2016 meeting received and discussed pending ZBA Application #0716-02 to allow the keeping of six (6) chickens on an undersized lot located at 23 Meadowridge Drive which is located within the Residence R-1 District.

After discussion and review of the application, the Commission noted the following:

1. After conducting several public informational meetings and a public hearing to amend the Shelton Zoning Regulations, the Commission adopted new regulations on February 25, 2015 which required lots to contain a minimum of 80,000 square feet for the keeping of up to 10 female chickens (hens) in all residential districts. Lots containing 200,000 square feet or more can accommodate unlimited poultry.
2. The Commission finds the pending application to be self created and in violation of the Shelton Zoning Regulations which are intended to protect the public safety, welfare and property values of all Shelton residents. The Commission further finds that this particular neighborhood has no record of keeping chickens or poultry of any kind.
3. The Commission has attached relevant documents which were presented as part of the record during its public hearing. Hopefully, these documents will assist the Board during their review of this application.
4. Based on these observations and the current zoning regulations adopted by the Commission, the Commission unanimously voted to recommend that the Board deny application #0716-02.



September 20, 2016-Addendum #3
Minutes

SHELTON PLANNING AND ZONING COMMISSION
ADOPTED AMENDMENTS

Approved: 2/25/15
Effective: 3/6/15 @ 8:00am



THE KEEPING AND RAISING OF CHICKENS IN RESIDENTIAL DISTRICTS

9/25/14
Revised 2/25/15

Amend SECTION 45 – ADDITIONAL STANDARDS, by adding the following new Subparagraph 45.9 and related Paragraphs 45.9.1 thru 45.9.5 and renumbering existing Subparagraphs accordingly:

45.9 Keeping and Raising of Chickens,: The keeping and raising of chickens when accessory to a permitted dwelling unit in any residential district on a lot less than 200,000 square feet shall conform to the following standards and conditions:

- 45.9.1 On lots containing between 80,000 square feet and 199,999 square feet no more than 10 female chickens (hens) shall be permitted. Roosters are prohibited.
 - 45.9.2 All chickens shall be kept within appropriate enclosures or coops at all times and shall not be located within 20 feet from any side or rear property lines. No enclosure or coop shall be located to the front of the dwelling. All enclosures and coops shall be located on moderately well drained and/or well drained soils and properly maintained at all times. No chickens shall be allowed to free roam.
 - 45.9.3 All enclosures and coops shall be appropriately screened from view from any adjacent property line and street line at all times.
 - 45.9.4 All chickens and their eggs shall be used by the owners/occupants of the property. The selling of eggs and/or chickens to the general public is prohibited.
 - 45.9.5 All enclosures and coops shall be maintained using best animal management practices to insure that chickens are kept in a sanitary condition so as to not be a public health hazard as determined by the Lower Naugatuck Valley Health District and/or the State Health Department.
-