

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, March 18, 2014 at 7:30pm

AGENDA:

- #314-1 John Addeo at 110-112 Division Avenue
- #314-2 Lynette and Steve Purciello at 4 Maple Avenue
- #314-3 Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 35-36
- #314-4 Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 37-38
- #314-5 Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 39-40
- #314-6 Mario Paniccia at 66 Huntington Street

Mr. Glover: Ladies and gentlemen, welcome to the March meeting of the Shelton Zoning Board of Appeals. I'm going to start with some opening remarks. We have one more member who is on her way and probably by the time I'm through she'll be here and then we'll have a full board. With us tonight, to my left is Commissioner Ed Conklin, and Lori Michalak. I'm Gerry Glover. To my right is Commissioner Jamie Jones and to his right is Commissioner Phil Cavallaro. In a few minutes I suspect Commissioner Linda Adanti will come in one of these doors and sit over on that side. Our regulations require that you have notified your abutting neighbors by certified mail and that you will provide us with four pictures of your property. One of the pictures should have depicted in it, the placard, that notices this here. That's a requirement and when we, when I call you up, I will be asking for the receipts and for the pictures in order for us to continue on with the hearing. We have six items on our hearing tonight, on our agenda tonight. Three of them I believe are all on one property, is that right Dominick?

Atty. Thomas: Yes

Mr. Glover: So we will combine those three and hear them all at the same time because it's one parcel of land. Should we start?

**#314-1 110-112 Division Avenue**, John Addeo of 110-112 Division Avenue, Shelton, CT is seeking to waive Section 23 use Line 52 to allow a freezer and stove to produce Italian ice.

Mr. Glover: Have a seat. Good evening

Mr. Addeo: Good evening

Mr. Glover: Do you have some pictures for me?

Mr. Addeo: I certainly do. To be more specific I was looking for a class 2 commercial kitchen in my garage.

Mr. Glover: And you have, this is your receipt? Is that right? You have one abutting neighbor?

Mr. Addeo: Uh huh

Mr. Glover: Would you give your name and address please?

Mr. Addeo: John Addeo, 112 Division Avenue in Shelton, CT 06484

Mr. Glover: Alright, before we start, Mr. Addeo, our Planning and Zoning regulations require that we, for a use variance, that we notify and transmit our whole application, a copy of our application to the Planning and Zoning Commission. Jamie, would you read this please?

Mr. Jones read:

MEMO

To: Richard Schultz, Planning and Zoning Commission

From: Gerald Glover, Zoning Board of Appeals

Re: Application #214-1

Date: February 26, 2014

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The Zoning Board of Appeals is in receipt of an application by John Addeo for a variance of permitted uses, on the property of John Addeo at 110-112 Division Avenue, and the hearing has been scheduled for the March 18, 2014 meeting.

Attached is a copy of said application for your reference.

Mr. Glover: So we have complied with that regulation. Can you tell us what you want to do and why you can't conform to the zoning regulations in the City of Shelton?

Mr. Addeo: Well, I've lived in town for 11 years. I had a retail store, Addeo's Italin Ice downtown on Center Street. I was there for 3 years. Right now it's subleased. I closed the doors August 5<sup>th</sup> because I just couldn't make ends meet. It's a seasonal business, I was really only opened April 1<sup>st</sup> to October, but I was still paying rent for the months I was not there, the reason I subleased it at the moment. I don't plan on re-opening retail, I have a mobile food truck that I'd like to do area events and festivals and farmers' markets. And I just don't see it possible to keep the space on Center Street. It's very expensive to do business in Connecticut.

Mr. Glover: Yours is a use variance which means that you're applying for a use that's not permitted in that zone.

Mr. Addeo: Correct

Mr. Glover: It's the most serious variance that this Board considers

Mr. Addeo: Okay

Mr. Glover: You are in a residential zone

Mr. Addeo: Yes

Mr. Glover: an R-5 zone and you're asking to put a business there

Mr. Addeo: yes

Mr. Glover: Why do you think we should do that?

Mr. Addeo: Fair enough. I don't really feel there's going to be any impact. Look at the pictures, that's the way it's going to stay. In order for me to continue my business, that's what I need to do.

Mr. Glover: You've had a business, correct?

Mr. Addeo: Yes:

Mr. Glover: Is it the same business?

Mr. Addeo: Yes

Mr. Glover: And you've had the ability to run it in a different area in the City of Shelton?

Mr. Addeo: Well, I shut down August 5th

Mr. Glover: but you had the ability to do it, you did run it?

Mr. Addeo: up until then, yes

Mr. Glover: you did run a, a legal business in a legal zone in Shelton. Are there any other, in your neighborhood that you know of, are there any other businesses?

Mr. Addeo: No, that would be why I'm here. I could continue on Center Street. I could double park my 20 foot truck, two to four times a day on Center Street with no parking. It's a nuisance, it's a problem, but I would have to do that up towards an hour each time just to load and unload. If I kept the retail, I would shut down the retail and just use the back. I don't think the City really needs another retail store shut down, we have enough.

Mr. Glover: Well, I'm not sure the City needs a business in a residential zone either, and I'm not

Mr. Addeo: No signage, no impact, no deliveries. There wouldn't be any difference to the way it looks now, there's no hood vent, no grease trap, no big operation

Mr. Glover: And what would be your hardship?

Mr. Addeo: All of the above. I can't afford up to \$12,000 a year for rent. I could probably put \$15,000 into the garage and not have rent. I have always owned property since I was 21. Renting doesn't get you anywhere. I would love to make it big and get out of the garage and manufacture and, that's the goal. This would be temporary.

Mr. Glover: You're manufacturing Italian ice?

Mr. Addeo: Yes, I'm a third generation ice maker. I make everything by hand.

Mr. Glover: Alright does the Board have any other questions?

Mr. Cavallaro: You wouldn't be doing any retail out of the garage would you?

Mr. Addeo: No retail, no customers.

Mr. Cavallaro: And no additional traffic as far as, no employees?

Mr. Addeo: There shouldn't be any, no employees.

Mr. Cavallaro: so you're just going to be make it like you're making it in your kitchen and put it in your truck and sell it elsewhere

Mr. Addeo: yes

Mr. Cavallaro: there's no retail sales, no customers

Mr. Addeo: nothing

Mr. Glover: but the health code won't let you make it out of your kitchen, correct?

Mr. Addeo: No, it has to be (unclear) approved

Clerk: It has to be what approved?

Mr. Addeo: NSF

Mr. Jones: What do you need, what equipment would you have in the garage?

Mr. Addeo: I would have a 6 burner stove, gas, and probably, right now I have a three door reach in freezer, but I would probably get an 8 x 10 walk-in

Mr. Glover: And that would fit inside the

Mr. Addeo: inside the garage. The garage is about 400 square feet

Mr. Cavallaro: and no additions, no bump outs

Mr. Addeo: nothing. There'll be a nice paint job on the outside.

Mr. Glover: How do you get materials to, do you have ice, what else?

Mr. Addeo: Oh no, we process everything so we, actually we make the ice

Mr. Glover: So who brings the materials, what do you need for supplies?

Mr. Addeo: I go to Restaurant Depot in my pick-up truck, pick up what I need, cups, lids, straws, and I pack my truck and off I go

Mr. Cavallaro: What's the raw materials, just water, sugar?

Mr. Addeo: Water, sugar and fruit.

Mr. Cavallaro: And those aren't commercially delivered either?

Mr. Addeo: No

Mr. Jones: Is there a bathroom in your

Mr. Addeo: No

Mr. Glover: Will you be putting one in there, a bathroom?

Mr. Addeo: I don't really see the need

Mr. Jones: I think it's required

Mr. Glover: I think it's required by the health code.

Mr. Cavallaro: even if he doesn't serve people?

Mr. Glover: Well you need it to prepare, sink

Mr. Jones: wash your hands

Mr. Addeo: Well there would be a, I would have a fruit and vegetable sink which has to be a certain size and a handwash sink. I'd have a three bay sink and that's about it.

Mr. Glover: Are there any other questions from the Board?

Mr. Conklin: Is there a map of the city so we know exactly where this is located?


Mr. Addeo: This is uh, just a map of my street

Mr. Glover: It's an existing garage that is not conforming.

Mr. Conklin: So it's actually on the corner of Carly, it's at the point there

Mr. Glover: right. Any other questions from the Board? (no) Is there anyone in this room who is in favor of this application? (no response) Anyone in favor? (no response) Okay, for opposition

Mr. Jones read letter:

  
203-924-1555 Ext 18  
Fax: 203-924-6980  
Email: r.schultz@cityofshelton.org

**City of Shelton**  
Office of Planning and Zoning  
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Richard D. Schultz, AICP  
Planning & Zoning Administrator

Patrick J. Tisi, MPA  
Asst. Planning & Zoning Administrator / ZEO

Thomas Dingle  
Zoning Enforcement Officer

MEMORANDUM

To: Gerald Glover, Chairman  
Board of Zoning Appeals

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

Date: March 18, 2014

Re: ZBA Application # ~~2~~14-1

**RECEIVED**  
MAR 18 2014  
ZBA Application # 314-1

The Shelton Planning and Zoning Commission at their March 11, 2014 meeting received and discussed pending ZBA Application #214-1 for a use variance to allow the conversion of an existing garage in the Residence R-5 District to produce Italian Ice for commercial consumption at property located at 110-112 Division Avenue. This review was made pursuant to Section 4.4.5 of the Zoning Regulations.

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

1. The proposal is a prohibited use within the Residence R-5 District.
2. The proposal could negatively impact the residential quality of the neighborhood and will conflict with the general purpose and intent of the Zoning Regulations.

For the reasons noted above the Planning and Zoning Commission recommends the denial of this Application.

Mr. Glover: Is there anyone else, or anyone in this room who is in opposition? (yes) Would you come forward sir, please? Come on over here. Would you give your name and address for the record?

Mr. Soukup: Yeah, my name is Don Soukup. My address is 182 Chestnut Tree Hill Road, Oxford CT. I own the property 113-115 Division Avenue. My family's owned the property for 84 years. It's a residential area and we'd like to keep it residential. Right now, Mr. Addeo's house is in disrepair. Here's pictures of it. This is the uh, it's unfinished, unpainted, a window, peeling paint. He's got falling railings. This is the box trucks he parks there, it's got combination plates on it, it's a lettered truck, I think it should be commercial and not parked on the city street. And I'm worried about the property values and, you know, the quality of the neighborhood.

Mr. Glover: You're at 115?

Mr. Soukup: I'm across the street, 115 and 113 Division Avenue, I'm directly across

Mr. Glover: the second one in from Maltby Street

Mr. Soukup: uh huh

Mr. Glover: Thank you.

Mr. Soukup: Okay

Mr. Glover: Anyone else in opposition? Good evening sir, would you please give your name and address for the record?

Mr. Garbien: I'm John Garbien, 50 Kneen Street, Shelton, CT, 06484.

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

Mr. Garbien Yes, I am sir

Mr. Glover: Any special reason?

Mr. Garbien: Well, I have property right across at 109-111 Division Street there and I'm assuming that there's going to be a lot of traffic, a lot of trucks, so forth and so on, and we're having a little problem there for my tenants to park their cars many a time there.

Mr. Glover: So you own the street directly across the street

Clerk: the street?

Mr. Glover: I mean the house directly across the street, you probably own the street too. Thank you.

Mr. Garbien: You're welcome

Mr. Glover: Anyone else in opposition?

Mr. Addeo: May I just comment?

Mr. Glover: In a minute. Alright, would you like a rebuttal to the information that's been given?

Mr. Addeo: Yeah, they're, no one's owner occupied abutting me on the street, they're all rental properties to them.

Mr. Glover: Okay.

Mr. Addeo: So, (unclear) so and he clearly doesn't even live in town, he lives in Oxford

Mr. Glover: Alright, any further questions from the Board or comments? (no) Then I'll declare the hearing closed, thank you.

Mr. Addeo: So?

Mr. Glover: We'll vote on it later.

Mr. Addeo: Thank you for your time.

Mr. Glover: You're welcome, thank you

Later that evening during the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Adanti, unanimously voted to deny the application for a variance to allow a freezer and stove to produce Italian ice (commercial kitchen) in an R-5 zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

**#214-2 4 Maple Avenue**, Lynette and Steve Purciello of 4 Maple Avenue, Shelton, CT are seeking to waive Section 45.6.1 to allow an accessory apartment in a new construction single family home.

Mr. Glover: Would you give your name and address for the record, if you're going to speak?

Mr. Purciello: I'll speak, Steve Purciello, 4 Maple Avenue

Mrs. Purciello: Lynette Purciello, 4 Maple Avenue

Mr. Glover: May I have your receipts please?

Mr. Purciello: Yeah, only one sent it back

Mr. Glover: It doesn't make any difference if they send it back, we just have to have evidence that you did send it. So you have three abutting neighbors?

Mr. Purciello: Yeah

Mr. Glover: Four abutting neighbors

Mrs. Purciello: They're not really, we just kind of wanted to send it to everybody that was close by

Mr. Glover: Alright, and your pictures please?

Mr. Purciello: Yeah

Mr. Glover: So this is a new house that you're constructing

Mr. Purciello: Yes

Mr. Glover: And your issue is that they, the Planning and Zoning regulations do not allow you to have an in-law apartment until its been there for five years

Mrs. Purciello: Yeah

Mr. Glover: How big is the house?

Mr. Purciello: Um

Mr. Glover: without the in-law apartment

Mr. Purciello: 3,000

Mr. Glover: So the house and apartment are 3,900?

Mr. Purciello: Uh huh

Mr. Glover: Do we have an attached garage or detached garage?

Mr. Purciello: It's all attached, there's a house and then a breezeway connecting the garage to it

Mr. Glover: Do you have a plan or picture that we can review?

Mr. Purciello: I didn't know I needed one

Mrs. Purciello: It's gonna, a breezeway, a garage

Mr. Purciello: I submitted it with the plot plan, I thought they had it

Mrs. Purciello: The apartment's over the garage

Mr. Conklin: Yeah, but we need to see it

Mr. Glover: I don't have any plans. I have a plot plan, I don't have a

Mr. Purciello: Can I point it out on the foundation? Or you want to see it?

Mr. Glover: No, we need to see the elevation

Mr. Purciello: elevations

Mr. Glover: yeah, we need to see the elevation so we know what you're building.

Mr. Purciello: I thought they had that in there because I shrunk that down for them

Mr. Glover: We need to see the footprint and we need to see what the house looks like

Mr. Purciello: It's basically a farmhouse with a gambrel style roof on a garage.

Mr. Glover: How do you access the in-law apartment?

Mr. Purciello: From the main house through the breezeway it's going to be open, right up the stairs, partially in the breezeway up to the second floor. It's all going to be connected, no, it's all going to be one dwelling.

Mrs. Purciello: It's going to kind of be separate from where we live, to have a little privacy.

Mr. Glover: But see, these are the things that we can't see. We don't know how it's connected. We don't know what rooms there are or how the, what the configuration of the rooms are. We're completely in the dark as to what you're doing

Mr. Purciello: I really thought you had that, I apologize for that, because I know I gave it to them.

Mr. Glover: Do you have elevations?

Mr. Purciello: Oh yeah, full set of plans, yeah, that's what I, I knew I gave it to him. I shrunk it down for him when I did the plot plan

Clerk: Who did they give it to?

Mr. Conklin: oh, you gave them a set, it's missing?

Mr. Purciello: Yeah, I gave them three sets

Clerk: To who?

Mr. Purciello: Planning and Zoning, Building has it

Mr. Glover: There's nothing in our

Mr. Purciello: we started already, obviously

Mrs. Purciello: Yeah, the foundation

Mr. Purciello: But um, so that's, they have all the plans. I can get you another plan, but not right now.

Mr. Glover: Where do you live now?

Mrs. Purciello: Up the street

Mr. Purciello: Yeah, it's not that far, but I don't know if I have plans or not

Mrs. Purciello: in the house or are they in the

Mr. Purciello: in the shed, in the thing

Mrs. Purciello: I guess we'll have to come back again

Mr. Glover: You'll have to come back again next month.

Mr. Purciello: it'll be built by then, I'm kidding, I'm joking

Mr. Conklin: Should we, Mr. Chairman?

Mr. Glover: Yes?

Mr. Conklin: Should we just wait til the end of the meeting, let you go home and see if you can find a set of plans and come back?

Mr. Glover: We could do that

Mr. Purciello: wait until the end of the meeting

Mr. Glover: Well, we've got other issues, we've got two, actually there's three hearings that are going to be held together and it's a person who's represented will have a suit on which means we'll be here awhile.

Mr. Purciello: You'll be here awhile

Mrs. Purciello: Steve, do you know, are they home or are they on the job site?

Mr. Purciello: There's one on site, there's one at home, but they're going to be here hours

Mr. Glover: not hours

Mr. Purciello: No?

Mr. Glover: No, we're not going to be here hours

Mrs. Purciello: An hour though, can we come back?

Mr. Glover: Why don't you just try.

Mrs. Purciello: Yeah, if you don't mind

Mr. Glover: we'll just hold it, you go find it, see if you can get it. If you can get it by the time we're through, we'll

Mrs. Purciello: Great, thank you so much, sorry about that.

**#214-3 43 Ojibwa Trail, Lots 35-36**, Jeffrey Scott Vangele, c/o. Dominick J. Thomas, Esq., of 315 Main Street, Derby, CT, is seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the street line from 30 ft. to 20 ft. for a single family residence.

**#214-4 43 Ojibwa Trail, Lots 37-38**, Jeffrey Scott Vangele, c/o. Dominick J. Thomas, Esq., of 315 Main Street, Derby, CT, is seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the street line from 30 ft. to 20 ft. for a single family residence.

**#214-5 43 Ojibwa Trail, Lots 39-40**, Jeffrey Scott Vangele, c/o. Dominick J. Thomas, Esq., of 315 Main Street, Derby, CT, is seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the street line from 30 ft. to 20 ft. for a single family residence.

Mr. Glover: May I have your names and address please?

Atty. Thomas: Attorney Dominick Thomas, Cohen and Thomas, 315 Main Street, Derby, CT, representing the applicant, Jeffrey Scott Vangele, who is present here

Mr. Vangele: Jeffrey Scott Vangele, 64 Edison Avenue, Fairfield, CT 06825

Mr. Glover: Dominick, you realize that the people that left are counting on you speaking for a long time.

\*\*several talking at once\*\*

Mr. Glover: Alright, first of all, all three of these are basically the same right?

Atty. Thomas: Yes, they're all for a single residence

Mr. Glover: So if I distribute these among the members

Atty. Thomas: The map, the attached maps, what I have for you here, before we get, I have for you a blowup of the zoning chart and a blowup of the three lots.

Mr. Glover: Before you give us those, give us your pictures and your receipts

Atty. Thomas: Oh yeah, here are photographs of the three posted signs and the five, as you can see each picture (unclear) and the five. In addition to that, for the record, so that you have it for the record, here is the signed by Richard Schultz, non-conforming building lot questionnaire approving the three building lots

Mr. Glover: You're not going to have to talk very long

Atty. Thomas: No, and the, and the recording receipt of the map that was filed in accordance with the non-conforming building lots. In other words, the six, the application, not the application, the questionnaire was filled out, these were six lots under the Pine Rock Park subdivision and each two was combined into a single lot.

Mr. Glover: What's the total size of the lots that

Atty. Thomas: I believe they're

Mr. Glover: 50 feet wide?

Atty. Thomas: 50 feet wide

Mr. Glover: They were 25 foot lots?

Atty. Thomas: right, they're 50 feet wide as you can see on the map. Each of the lots is 50 feet wide and of substantial depth, ranging from I believe, 212 to 260 plus feet

Mr. Glover: So 50 x 200 plus feet

Atty. Thomas: right, 50 x 200 plus feet. And for, I have the full maps, but these are just blowups if you need them of the, of the zoning chart if you need them. I have here for you other photographs. The first three photographs are of the property from various locations in front, basically to show you the extreme topography in the back of the properties. Which relates to our request for a hardship, and the hardship relates to the fact that these three lots have a very sharp steep slope upward in the back. The purpose of the, of the, obviously the applicant can build all three lots with a 30 foot setback. The whole purpose of requesting the 10 feet in front is for two reasons. Number 1, it brings them in conformance, the properties in conformance with the lots along the street and I have pictures of that; and in addition to that, it allows with less excavation to create a nice but small backyard. And as you can see, in some of the situations where you have the very steep backyard people have used the front yard for things that should be in the backyard. So the hope is to create a situation where you have a backyard. So the rest of these pictures that you can pass around are looking up and down Ojibwa Trail, Ojibwa Road as it's called in the Assessor's records, to show you that the properties along there are, most of them are 20 feet or even less from the, from the front property line.

Mr. Glover: The maps that you gave us, is it an A-2 survey?

Atty. Thomas: Yes it is

Mr. Glover: It is.

Atty. Thomas: You should have the full, I gave you the

Mr. Glover: I have a full one

Atty. Thomas: Yeah, the full one I think is signed by Neal Jain I believe

Mr. Glover: Yes, it is

Atty. Thomas: and it's sealed

Mr. Glover: It is sealed, but I didn't see an A-2 on it

Atty. Thomas: I believe in my discussions (unclear) full size map, I don't know whether in one of the notes, this was actually a site plan, you know what I mean? This was a site, I know he surveyed it and the map that's, map 44, the map site that you have there 44.62, that is the mylar survey map that was recorded showing the three lots. This is based on it, whether or not he listed it as A-2, that had to be an A-2

Mr. Glover: It's an A-2, it's on the notes

Atty. Thomas: it's on the notes? Okay

Mr. Glover: So, first of all, this is in Pine Rock Park

Atty. Thomas: yes

Mr. Glover: which is very difficult to survey and where almost nothing is conforming

Atty. Thomas: correct

Mr. Glover: over the years we've found lots where the houses are actually in the street or

Atty. Thomas: or the situation is where you start at one intersection go this way, the lot at this end disappears, you start at that intersection and go this way and that disappears

Mr. Glover: So it's, although you're required to have a 30 foot frontage, a minus foot frontage is not unusual in Pine Rock Park, and definitely 20 feet would not be unusual. So it would be harmonious.

Atty. Thomas: It certainly would be harmonious with the Park

Mr. Glover: And you have a topographical, topographically distressed lot, even though it's very very deep, you can't put it back

Atty. Thomas: Yeah, I mean

Mr. Glover: Geographically you can't put it back

Atty. Thomas: I mean, if you push it back farther it creates a greater disturbance. There has to be some disturbance anyway, but this would lessen the disturbance number one, still require I believe a retaining wall of some fashion, a small retaining wall in the back, but again, and the other purpose of course is, they still would be able to build a house, but this allows them to create a little bit of a larger back yard, which focuses those things that are supposed to be in the backyard in the backyard.

Mr. Glover: The rear property that says now or formerly Richard Swetz

Atty. Thomas: But he was not the one who, when I checked the Assessor's map

Mr. Glover: No that's fine, I'm not questioning that. There's not a road back, behind it that later on these can be subdivided

Mr. Vangele: Oh God, no.

Mr. Glover: That's the question

Mr. Vangele: It's a cliff up there

Mr. Glover: I'm looking for the answer for the record

Atty. Thomas: there's a property, there's property back there, it appears based on my research of the Assessor's records, because even though that said, I don't trust what's on that map, I go and do it myself, and doing the Assessor's records there were three properties owned by people and I think the Assessors' records identifies them as homes.

Mr. Glover: As homes?

Atty. Thomas: well, they had the little

Mr. Glover: right, I understand

Mr. Conklin: For the record, this has city water and city sewer?

Mr. Vangele: Yes, it is

Mr. Glover: And you'll connect to the city water and city sewers

Mr. Vangele: correct

Mr. Glover: single family homes?

Mr. Vangele: correct

Mr. Glover: How big are the homes?

Mr. Vangele: Approximately 1900 sq. ft. center hall colonials

Mr. Glover: with a garage?

Mr. Vangele: with a garage

Mr. Glover: under?

Mr. Vangele: under

Mr. Glover: So nobody's parking in the street

Mr. Vangele: No, no, definitely not. Two car garage under

Mr. Glover: Okay. Does the Board have any questions for the applicant or his attorney?

Atty. Thomas: Short, brief attorney, I'm always short

Mr. Glover: I didn't say that Dominick

Mr. Conklin: are there pictures of the houses in the street? This is a picture going down the same side

Atty. Thomas: That is across the street from the property. If you're facing the property that is across the street looking left. I can identify each one for you, since I stood there

Mr. Conklin: But looking down the street, there are many other houses at the same distance

Atty. Thomas: Oh yes, oh yeah

Mr. Glover: And it was very kind of you to get Mr. Schultz to make this form out

Atty. Thomas: Yeah, I

Mr. Glover: so we don't have to question whether it's a lot

Atty. Thomas: exactly, well I wanted, that was already done, it was done at a prior time, but yes, I think it's a very good , when you go into it it does, in fact, my client was at one point told he had to do a subdivision you know, on the property and once I looked at it and I dug some stuff both here and in Birchbank and was aware that, you know, you had this procedure which is one of the more friendly procedures to operate through

Mr. Glover: civilized

Atty. Thomas: Civilized procedures, that's it

Mr. Glover: Is there anyone else in this room who is in favor of any one of these three applications? (no response) Is there anyone who is opposed to any one of these three?

Mr. Badar: yeah, I have a question

Mr. Glover: Would you come forward sir? Good evening

Mr. Badar: good evening

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

Mr. Badar: Yes, my name is Glen Badar. I live at 78 Oronoque Trail and I'm the property above where they are building

Mr. Glover: which says "now or formerly Richard Swetz"

Mr. Badar: Right. And what I'm worried about is blasting. I've seen the rock along the back and what's going to happen to that? Because the property between mine, there's a strip of property and that crops, if they blast it's going to come down

Mr. Glover: I um,

Mr. Badar: There's rocks just sitting on trees up there

Mr. Glover: I'll give them the opportunity to answer your question

Mr. Badar: I mean, I'm not opposed yet, I just want some answers

Mr. Glover: Yeah, but, from the looks of the map that he's given us, he's not going back toward you. He's staying in front of that

Mr. Badar: But he still has to put a foundation in it and there's big ledge there. I'm just worried about how that's going to affect the whole area back here

Mr. Glover: His lot is a couple hundred feet deep and yours is behind it?

Mr. Badar: Mine, I'm up on a hill, yes, right behind it. There's, I can't tell how this is working but, there's a landlocked area that sits below my area and it drops down the hill to where his property is

Atty. Thomas: You see Mr. Badar's name, see it right there, now or formerly Glen Badar

Mr. Glover: Yes

Mr. Badar: Yes, right here. I'm right here. I saw the ledge here and I'm just very worried that when they blast this is going to let go.

Ms. Adanti: and your backyard will land in their backyard

Mr. Badar: Yeah, you've got, that rock is coming up. If you looked at the property, that rock is coming up

Mr. Glover: it rises, the rise is more than 100 feet between his property and the top of there, there's a 100 foot rise, and

Mr. Badar: But if that collapses down below that 100 feet won't mean anything. That will come right down. I mean I'm more worried that this whole section's going to back up right into my property and now I'm going to have the cliff. There is an area of land here, but it is, I would say about 15 feet below mine, it levels out and then it drops. There's trees and stuff there, rocks, big rocks

Mr. Glover: You're saying that yours is higher

Mr. Badar: yes

Mr. Glover: and then it goes back and it drops to the start of his property

Mr. Badar: Mine, 15 feet down, then it goes

Mr. Glover: to his property

Mr. Badar: right and then right where his property is you see this ledge right against the wall, against the cliff. And I'm just afraid when he goes into there, he's going to loosen that.

Mr. Glover: Alright

Mr. Badar: I mean, I don't know who's going to check this. I just don't want my property to go down the hill. I know I'm on the edge here, but this is one of the houses (unclear)

Mr. Cavallaro: way up here

Mr. Badar: where's the foundation?

Mr. Cavallaro: over here, he's a good 100, about 140 feet from there

\*\*several talking at once\*\*

Atty. Thomas : This actually shows, this is better, that's that lot looking up toward Mr. Swetz, not Mr. Swetz, I'm sorry, Mr. Badar

Mr. Badar: and it's no 150 feet (unclear)

Mr. Cavallaro: well the property line is (unclear) 21 feet

Mr. Badar: But is his property line going back to here, back up to the trees?

Mr. Cavallaro: (unclear) they're not going to cut that far back

Mr. Badar: right here, this is all ledge

Atty. Thomas: Let me, maybe my client can

Mr. Glover: Hold on, let's let the client, let the applicant, not my client, let his client, our applicant explain

Mr. Vangele: So the intent there Mr. Badar and the reason we're here this evening

Mr. Glover: Let me interrupt you one more time. You are talking to me and Mr. Badar is not going to have a dialog with you

Mr. Vangele: Okay, I apologize for that, I'm not an expert at these hearings and I sincerely apologize.

Mr. Glover: We have one lucky lady who takes these notes and she doesn't have stereo

Mr. Vangele: Understood. So, members of the Board, the intent of my project and the reason we're here this evening is to move the houses slightly forward so that we will create less disturbance. We have zero intentions of doing any blasting or disturbing the cliff. Hence, why we want to move the houses forward, because by moving them forward we will be able to create an additional 10 feet of backyard, which now there's literally no backyard. And the initial plan that was presented we were going to put a small deck off the back of the house, when the foundation was staked, we realized that we could not put the deck in the back of the house because there's really no room for the deck. That's how steep the incline is of that cliff. It's monstrously steep there as you identified with 100 feet. So there's no intent for blasting and our goal is to move the houses forward so that the people will have, so that we will create a backyard in addition to trying to avoid having to

Mr. Conklin: The house is going to be at grade correct?

Mr. Vangele: the house is

Mr. Conklin: I mean the garage doors would be at grade

Mr. Vangele: the garage floor would be at grade with the garage under because the lots are sloping upward

Mr. Conklin: so that's grade off the road, so you're driving in

Mr. Vangele: that's grade off the road, correct

Mr. Glover: Also, Mr. Badar, I opened up the full survey map. This map is got a 20 scale, one inch equals 20 feet.

Mr. Badar: that's why it looks so big

Mr. Glover: So from here to about here is probably 8 inches, which means there's 160 feet from here to here and you're beyond it.

Mr. Badar: okay

Mr. Glover: My, what I'm hearing is they're not really going to do any blasting, they're going to build pretty much on grade

Mr. Badar: then I have no objection

Mr. Glover: and you're way back behind it and at least that I can see from the topography here, you're at least 110 feet above him, so there's some elevation

Mr. Badar: I was just worried because I saw that rock ledge against there and I says if they fracture that I'm in trouble.

Mr. Vangele: No intent on blasting

Mr. Badar: Good

Mr. Glover: Okay?

Mr. Badar: Thank you, that's it. Thank you very much for your explanation

Mr. Glover: Oh, you're welcome. Anyone else in opposition? (no response) Any final comments from the Board? (no)

Atty. Thomas: I think thanks to Mr. Badar those people might make it back on time.

Mr. Glover: Alright, would you have a problem if we said you couldn't blast?

Mr. Vangele: We don't want to blast.

Mr. Glover: Dominick?

Atty. Thomas: I'm not, it says JD not PE after my name, so I don't know whether there's any trench, you know what I mean? Often I have clients say that you need to knock something out. I was out to the site and it looked like it was pretty much ready to go

Mr. Vangele: it's ready to go, there's no blasting

Mr. Glover: You do not have to blast

Mr. Vangele: No, no, there's no blasting, no. The foundations, we can dig the foundations. The topography there is very unique because where the foundations go we can dig, yet there's this monster rock in the back there that's just like this big huge rock so. We're ready to put the foundations in, we just wanted to scooch them forward

Mr. Glover: Global warming centuries ago

Mr. Vangele: yeah, I guess.

Mr. Glover: Any final comments? (no) Then I'll declare the hearing closed.

Mr. Vangele: Thank you for your consideration.

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

**#214-3** "In the application of Jeffrey Scott Vangele, c/o D.J. Thomas, Esq., of 315 Main Street, Derby, CT for a certificate of approval for a single family residence to be located on the property of Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 35-36, R-3 zone, and which requires a reduction in the setback from the front property line,

The application for a variance is approved.

Inasmuch as the property is topographically distressed, and

Inasmuch as the proposed construction will be in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the front line from 30 ft. to 20 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

**This certificate of approval is contingent on 1. There will be no blasting during the construction of the new house. 2. The newly constructed house shall be hooked up to the municipal water and sewer.**

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

**#214-4** “In the application of Jeffrey Scott Vangele, c/o D.J. Thomas, Esq., of 315 Main Street, Derby, CT for a certificate of approval for a single family residence to be located on the property of Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 35-36, R-3 zone, and which requires a reduction in the setback from the front property line,

The application for a variance is approved.

Inasmuch as the property is topographically distressed, and

Inasmuch as the proposed construction will be in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the front line from 30 ft. to 20 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

**This certificate of approval is contingent on 1. There will be no blasting during the construction of the new house. 2. The newly constructed house shall be hooked up to the municipal water and sewer.**

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

**#214-5** “In the application of Jeffrey Scott Vangele, c/o D.J. Thomas, Esq., of 315 Main Street, Derby, CT for a certificate of approval for a single family residence to be located on the property of Jeffrey Scott Vangele at 43 Ojibwa Road, Lots 39-40, R-3 zone, and which requires a reduction in the setback from the front property line,

The application for a variance is approved.

Inasmuch as the property is topographically distressed, and

Inasmuch as the proposed construction will be in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the front line from 30 ft. to 20 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

**This certificate of approval is contingent on 1. There will be no blasting during the construction of the new house. 2. The newly constructed house shall be hooked up to the municipal water and sewer.**

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

Mr. Jones: Should we go back to number two or

Mr. Glover: No, let’s go on to, they lost their place.

**#214-6 66 Huntington Street**, Mario Paniccia of 515 Washington Avenue, Bridgeport, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 12 ft. to 1 ft. to enclose a 3 season patio to a 4 season patio room.

Mr. Paniccia: Uh, Mr. Chairman

Mr. Glover: Yes?

Mr. Paniccia: Mr. Maione went to pick up the pictures and he's on his way back. So if you could take them and maybe it will buy us a little time?

Mr. Glover: We can do that sir.

**#214-2 Continued:**

Mr. Glover: Okay, you're back on

Mr. Purcillo: thanks for waiting

Mr. Glover: Not a problem

Mr. Purcillo: I don't know what you guys want to see, but here's the plans

Clerk: We have to keep those for the record

Mr. Purcillo: You have to keep them?

Mr. Glover: Yeah

Mr. Purcillo: That's alright. They're a little dirty.

Mr. Glover: We don't mind dirt. First of all, we need an elevation.

Mr. Purcillo: So basically the main house, this is a breezeway and that will be open to the apartment above here

Mr. Glover: Alright, this is the front façade?

Mr. Purcillo: yep

Mr. Glover: So you have a front door

Mr. Purcillo: Uh huh

Mr. Glover: And what is this?

Mr. Purcillo: A door going into the breezeway

Mr. Glover: Is it an access door to the apartment?

Mr. Purcillo: There will be an opening from the breezeway right up.

Mr. Cavallaro: So from the breezeway you go into the garage, the apartment or the house?

Mr. Purcillo: yes

Mr. Jones: The apartment's above the garage?

Mr. Purcillo: Yeah, it's my sister. She's been living with us for about 7 years now? She's um, in recovery for about 6. No one would take her 7 years ago, so we took her in. And hopefully she can stay with us. It will never be a rental property, it will always be for her and when she moves out we're just going to keep it

Mrs. Purcillo: She doesn't make enough money, she'd have to go on Section 8, so it's

Mr. Purcillo: Yeah, so we're trying to help, like we've been doing. We had a house in Trumbull, she lived with us there

Mrs. Purcellio: right, and so now that we're

Mrs. Adanti: It's going to have a kitchen and

Mrs. Purcellio: Yeah, a kitchen and a bathroom. It's just to give us some privacy because we need it.

Mr. Purcellio: Well, she can still walk through, (unclear) open

\*\*several talking at once\*\*

Mr. Glover: You can't have a conversation here. Someone will ask you a question and you can answer it. And only one of you can answer it. You can choose, but only one at a time.

Mr. Glover: Alright, so, you have a front door and you have a sliding door, or patio door which your testimony is that that's access to your house

Mr. Purcellio: this (unclear)

Mr. Glover: Yeah, because you're prohibited from having two entrances in the front façade of the house.

Mr. Purcellio: okay we can close it off

Mr. Glover: which is part of the code. Is there a kitchen in this?

Mr. Purcellio: yep

Mr. Glover: there is

Mr. Purcellio: Uh huh

Mr. Glover: one bedroom?

Mr. Purcellio: yeah, you can see the floor plans, it's basically wide open

Mr. Glover: Yeah, I'm going to look at that in a minute. Are you sewerred here?

Mr. Purcellio: Yeah

Mr. Glover: You can get to the sewers on Maple?

Mr. Purcellio: Uh huh

Mr. Glover: Okay. How about water?

Mr. Purcellio: It's on Maple too, across the street. The sewer's right on the corner of Maple and Soundview actually. It's um, Spinelli's I think.

Mr. Glover: I know

Mr. Purcellio: Well, we weren't sure

Mr. Cavallaro: That's um

Mr. Purcellio: I didn't want to put it

Mr. Glover: So at one point this was going to be an office?

Mr. Purceillo: No, we weren't sure how to approach it, if we put a bedroom and all that up there they might not have approved it, Planning and Zoning. I didn't know how to approach it to be honest with you. So the architect left it as that.

Mr. Glover: As an office

Mr. Purceillo: Uh huh. But P&Z obviously they know we're here. They knew our intentions

Mr. Glover: At one point did you consider that to be an office?

Mr. Purceillo: No, cause she, she always lived with us. I wasn't going to throw her out.

Mr. Glover: Okay, do you run a business?

Mr. Purceillo: No, I was never (unclear)

Mr. Cavallaro: That would have created different problems

Mr. Jones: What's the square footage of this area?

Mr. Glover: 900

Mr. Purceillo: Yeah, the upstairs, downstairs is 30x30 and upstairs is

Mr. Glover: It's not really 900 square feet

Mr. Purceillo: (unclear)

\*\*tape had to be changed\*\*

Mr. Glover: Alright, how many bedrooms are in the house now without the in-law apartment?

Mr. Purceillo: what do we have, 3 or, 4, master down and then three up.

Mr. Glover: Any questions from the Board?

Mr. Jones: Gerry, what's the square footage allowed?

Mr. Glover: 900

Mr. Jones: 900?

Mr. Glover: 900 and I think there's also something about the square, a percentage of the square footage of the house, but he's got a 3,000 sq. ft. house which means he's going to be okay with 900 sq. ft. Meaning, if he had a 1,000 sq. ft. house he couldn't have a 900 sq. ft. But he's okay with that.

Mr. Cavallaro: What's the first floor plan? Let's see how that all comes together. (unclear) back door on there anyway

Mr. Glover: Well, you can have as many doors as you want on the back, it's just two front doors. Alright let's see if anybody else is interested in this, is in favor this. Is there anyone in the room here who is in favor of this application? (no response) Anybody in favor? (no response) Alright, Jamie?

Mr. Jones read letter:



203-924-1555 Ext 18  
Fax: 203-924-6980  
Email: r.schultz@cityofshelton.org

**City of Shelton**  
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Richard D. Schultz, AICP  
Planning & Zoning Administrator  
  
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Thomas Dingle  
Zoning Enforcement Officer

MEMORANDUM

To: Gerald Glover, Chairman  
Board of Zoning Appeals  
  
From: Richard D. Schultz, Planning and Zoning Administrator *ROA*  
  
Date: March 18, 2014  
  
Re: ZBA Application #214-2



The Shelton Planning and Zoning Commission at their March 11, 2014 meeting received and reviewed pending ZBA Application #214-2 to allow an Accessory Dwelling Unit in a single family dwelling currently under construction located at 4 Maple Avenue.

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

1. The proposal is a violation of Section 45.6.1 which requires the single family dwelling to be in existence for a period of not less than five (5) years before an Accessory Dwelling Unit can be considered.
2. It appears that this proposal is self created and that there is no hardship shown.
3. As reported in the past to ZBA, the Planning and Zoning Commission determined during the formulation and adoption of the Accessory Dwelling Unit Regulations that new construction containing an accessory dwelling unit was unacceptable and a reasonable way to control "in-law apartments" without negatively effecting the safety, welfare and property values.
4. The Commission is concerned that more property owners in the future will be requesting similar variance requests because of family needs and circumventing the Zoning Regulations.

For the reasons noted above the Planning and Zoning Commission recommends the denial of this Application.

cc: Planning and Zoning Commission

Mr. Conklin: So by reading that it's saying that Planning and Zoning considers it "as of right" after 5 years

Mr. Glover: Yes

Mr. Conklin: it's "as of right" after 5 years

Mr. Glover: yes

Mr. Conklin: and they can't deny it if it meets the criteria

Mr. Glover: Yeah, correct

Mr. Conklin: okay

Mr. Glover: Alright, is there anyone else in this room who is in opposition? Who is opposed to this application? (no response) Any comments from the Board? (no) Alright, uh

Mr. Purcellio: Why does the 5 year mark determine that, is my question

Mr. Glover: When they made the regulation

Mr. Purcellio: they just came up with it?

Mr. Glover: for whatever reason prior to the regulation they put that you couldn't have it, have one in a house until it was there for 5 years. And they also said that it had to be 900 sq. ft. They also said that it had to have an egress inside the house, you have to be able to get to and from it from the inside the house. It couldn't have two doors on the front. They are all parts of the requirement, of that regulation. I can't answer your question. I don't know the answer

Mr. Purcellio: Oh, that's alright, I

Mr. Glover: I don't know the answer to your question

Mr. Purcellio: it's just an odd number that's why. You'd think they'd want to do it when you built it, it's a lot of easier than opening everything up after five years to do something.

Mr. Glover: And you'd think that when you were building it you could design it in so that it didn't look like an apartment, whereas later on

Mrs. Purcellio: yeah we don't want it to look like an addition

Mr. Purcellio: an add on, yeah

Mr. Glover: right, alright, I'm going to continue your hearing until next month and see if I can find the answers to some of those questions.

Mrs. Purcellio: Thank you.

Mr. Glover: before we vote on it, unless there's an objection from the Board? (no) Alright, then we're going to continue this hearing and you can come back the third Tuesday in April.

Mrs. Purcellio: Thank you very much.

Mr. Purcellio: Do we need to bring anything?

Mr. Glover: No.

**#214-6 66 Huntington Street**, Mario Paniccia of 515 Washington Avenue, Bridgeport, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 12 ft. to 1 ft. to enclose a 3 season patio to a 4 season patio room.

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

Mr. Paniccia: My name is Mario Paniccia, I'm an architect with an office at 606 Post Road East in Westport. I'm representing Wendy Montanaro, LLC and Andrew Maione for the restaurant this evening. This is a photograph of the sign. These are the photos, one more of the sign. And I have here, do you need the letters that we sent out? Copies of the letters?

Mr. Glover: No, I just need receipts that you did send them out.

Mr. Paniccia: Here are the receipts and I received two back of the three

Mr. Glover: Alright, can you tell us what you want to do and why you can't comply with the regulations?

Mr. Paniccia: Let me give you a little background of this. This is an irregular shape lot and of course it's, (unclear) the elevations are kind of rough (unclear). In this area (unclear). The background of this is about 2005

Mr. Glover: Let me stop you for a minute. If there, if you are interested in this and you want to come up and sit up here and see what's going on here, please come up. Alright, now for everybody that came up here, has come up here, at this point you are listeners. Okay, no comments, nothing on the record and when it's appropriate I will recognize you. Alright?

Mr. Paniccia: In 2005 we came to the town for an addition for the Aribella Restaurant. And at that time we received a two story addition which is about twice as big as what we have now. Subsequently, we received extensions for that plan. And then I think September or October of 2013, we came in with a modification making the addition smaller. Both times we included in the plans which were approved, the three season enclosed patio on this location right here. Right now we're under construction and we're almost completed. It's really really nice, it's coming out, really cleaning up that whole area there. And what we're in front of you for this evening for is to take that approved three season enclosed patio and make it a four season. And the reason for that is that we are envisioning this as a pickup area for the restaurant. And this is also the front entrance. And there's really two reasons; one, is that in a pickup area you know, when it gets cold and it gets windy it really is not conducive for people to wait there, number 1. Number 2, since this is a front entrance it's a little bit unsightly, as you can see because the restaurant, the new addition is rather nice and having that eyesore there at that point really makes no sense right at the entrance. So, essentially what we want to do is really put a façade on there, close that in and make it a three season so that people waiting, you know, are comfortable and also the front entrance is commensurate with the new entrance that we have. This is quite an upgrade that we are performing here at this point and if any of the commissioners, you know, would go out and take a look it you can see, you can also see from the pictures how it's a rather nice addition. So just to reiterate, this was approved on both those times we (unclear) plans that we had submitted, as the enclosed three season, enclosed patio as it is. Also, one other point I want to make is, a few months ago we sat down with Mr. Panico and the Commission, a few of the commission members had discussed the entire site. And it was suggested to us and we are in the process of making a PDD of this whole area. And one of the suggestions was to create, extend a welcome path up to this point and then when walking here it's very dangerous at this point because there's really nowhere to walk. And the suggestion was to make a connection to come here and to go into the shopping center, you know, at this point so that in grading the PDD when you make a walking path, a nice paver path and come down into this area and create

Mr. Glover: Is there a fence not there now?

Mr. Paniccia: There's a fence there now, yes. And the proposal, I mean the recommendation was, from the town, the city was that this would create a safe ambulatory route for people that, and the walking trail that they want to connect from this PDD and connect to there. So, I'm in the process of creating that right now and this would be one of the key areas so that the walking traffic that comes in from this side into the restaurant.

Mr. Conklin: the yellowed area that's there was approved as a three season by Planning and Zoning

Mr. Paniccia: approved, yes,

Mr. Glover: that's a patio?

Mr. Paniccia: It's an enclosed patio, yes

Mr. Conklin: Alright, it's enclosed

Mr. Paniccia: Yes

Mr. Conklin: to, where were the pillars on the encroachment side located on the approval

Mr. Paniccia: They're there already. That's existing, so it's already existing, it's already been approved.

Mr. Conklin: And is it built?

Mr. Paniccia: It's built yeah, it was built prior to us coming into the approval of the plan, it's included in the plan as an existing condition

Mr. Conklin: Did we ever, was that in front of us before for the enclosure?

Mr. Glover: Not that I know of

Mr. Paniccia: Well, I had put it on the plans as an existing condition, and also the survey, if you look at the survey, you'll see the town map

Mr. Conklin: When was that built, the three season?

Mr. Paniccia: 2002, or prior, I don't know because I came on the scene around 2005 or 6 when I did the plans, and that was there. So that was there, it's pretty much where we're showing it and it was suggested to us from Mr. Schultz to put in the one foot waiver. But that's there already. It was there, it was already approved

Mr. Glover: Right now it is a structure?

Mr. Paniccia: it's a structure. It's concrete, there are footings, in fact we had to verify that with the building inspector when we were getting the permit for this other, for the addition

Mr. Conklin: Are there any pictures of the existing structure (unclear)

Mr. Paniccia: You can see it on the elevations here. This is, this is the existing structure looking at it from the shopping center. So this is up

Mr. Conklin: You're saying that this piece right here, this picture is the

Mr. Paniccia: right, this is up, and we're going to put a front on here to close it in.

Mr. Glover: and it already has a roof on it

Mr. Paniccia: It already has a roof

Mr. Glover: Okay, alright. Are you going to enclose it with glass?

Mr. Paniccia: We want to enclose it, I'll show you the elevation. This is the façade

Mr. Glover: That's from the rear

Mr. Paniccia: this is from the entrance, as you enter into

Mr. Glover: from the back of the building

Mr. Paniccia: No, as you enter the restaurant, you're entering from this parking area

\*\*several talking at once\*\*

Mr. Glover: That's the rear of the building

Mr. Paniccia: rear of the building, yes

Mr. Glover: that's what I'm saying, it's the back side of the building. The front of the building is not on Huntington Street, the front of the building is (unclear)

Mr. Paniccia: It's the back of the building but it's the entrance to the restaurant

Mr. Glover: I understand. And there was already a roof there

Mr. Paniccia: there was already a roof there

Mr. Glover: But there are no sides

Mr. Paniccia: right

Mr. Glover: What will you have for sides?

Mr. Paniccia: It will essentially be columns, a door, there'll be a door on the side repeated on the other side because that will be the entrance from the walking

Mr. Glover: How about the side that's one foot from the property line?

Mr. Paniccia: that's all solid

Mr. Glover: It's not there now

Mr. Paniccia: oh, it's there

Mr. Glover: Oh it is there now, okay

Mr. Paniccia: yeah it's there. That's all solid.

Mr. Glover: Can you see that in those pictures?

Mr. Conklin: you can't see the solid side

Mr. Paniccia: yeah, he couldn't go

Mr. Conklin: I have straight on pictures. Here's the pictures back, they're all straight on looking down that alley way

Mr. Paniccia: So this is essentially looking at it from, I dotted the windows and the door beyond it, but it's essentially all solid and the roof is, this is the roof portion over here.

Mr. Cavallaro: What's it a shed roof on there?

Mr. Paniccia: yeah

Mr. Cavallaro: and it's going to stay a shed roof?

Mr. Paniccia: Yes

Mr. Conklin: So essentially it's all built, you're just enclosing the front

Mr. Paniccia: Right, enclosing the front and making it architecturally (unclear) and for people waiting there

Mr. Conklin: So essentially, it's been there for more than 3 years, it's pre-existing

Mr. Glover: Yeah, it's a pre-existing non-conforming structure

Mr. Paniccia: That's why I think he wanted us to come in front of the Board to get that

Mr. Glover: Alright, so you have, you already have three sides there

Mr. Paniccia: Yep

Mr. Glover: and a roof over the top of it, and you're just putting a new façade on the, on the rear of the building which is the entrance to the

Mr. Paniccia: it's the front of the entrance, and we want to heat it

Mr. Glover: Correct. Alright, and there's, you already have footings

Mr. Paniccia: Footings, it's all set. The floor is in, it's blue stone

Mr. Glover: And it's been there for 3 years?

Mr. Paniccia: It's been there since the first hearing which was 2005 and then, it was 4 or 5, I forget exactly

Mr. Maione: we started in 04, but we got approval

Mr. Paniccia: I think we got approval in '05

Mr. Glover: Alright, is there anyone else in this room who is in favor of this application? (no response) Might there be anyone in this room who is opposed to this application? (yes) Would you give your name and address for the record please?

Mr. Mas: My name is James Mas. I live at 120 Hunters Green, Shelton, CT. And I'm also a managing partner for the Huntington Shopping Center. The structure that he's talking about right here started off as a patio and it's always been added on without permits or without anything. Now, if he closes that in, that's an addition to square footage for that property and I doubt there's enough parking spaces in that whole property to support that whole building when everything is built there. Secondly, if you put a wall up there, that was always an open patio, at one time it had a canvas roof. And he did different things and then all of a sudden things go on without anybody saying a word. Now, when you put that wall up one foot from my property line, there's going to be debris that's going to float in there. The wind's going to bring stuff. As an open space you can clean it. It's not going to be able to be cleaned, and my fence isn't coming down.

Mr. Conklin: He was saying the wall exists already

Mr. Mas: I don't know what the hell exists over there, all I ever see is a white picket fence, I mean it's a, you know, a white vinyl fence. That's all I ever see, I don't know what's there anymore.

Mr. Glover: I think we'll have to go out, take a walk out there and take a look at it

Mr. Mas: All I've ever seen is

Mr. Glover: because it does look like a fence.

Mr. Mas: That's all I see

(unclear)

Mr. Mas: It's a vinyl fence as far as I'm concerned, it's all the way down. And now you put one foot this space, what are going to have a long vacuum cleaner to suck up leaves, suck up anything, fires could happen, anything can happen. You know, papers blow around, and then you're adding that as a finish, if you add that as a finished part of the building, are there enough parking spaces, with all the additions that have been going on there? Because once it becomes enclosed you can call it whatever you want, it's now an enclosed building, four seasons with heat, if he wants to put tables out there, he can put tables. He's expanded his restaurant.

Mr. Glover: Anything else?

Mr. Mas: That's it.

Mr. Glover: Alright, anyone else in opposition?

Mr. Nichols: I'd like to talk?

Mr. Glover: Would you give your name and address please?

Ms. Nichols: Jill Nichols

Mr. Glover: You'll have to come over here so she can pick hear you on the microphone, I'm sorry

Ms. Nichols: Actually can you go back to the map with the a, that one. I'm Jill Nichols, 24 Meeting House Lane, Shelton, CT. I live in the condominium complex that

Mr. Glover: behind it

Ms. Nichols: yes

Mr. Glover: behind Means Brook

Ms. Nichols: what's that?

Mr. Glover: it's behind Means Brook

Ms. Nichols: Yes, so this point is my concern. There's been a lot of construction lately and they've pushed the parking lot back and it looks like it's extremely close to the river and the bright lights and there's propane tanks and dumpsters there. And it's impacting our whole condominium complex. So, I don't know that that, this matter is the culprit, but whatever they're doing it is impacting our area

Mr. Glover: The propane tanks and other, is that a function of the building or is that something that's

Ms. Nichols: I don't know

Mr. Glover: I mean, the construction or is that there permanently

Ms. Nichols: I don't know, maybe they could

Mr. Paniccia: Well, there is construction there now, the approved plan. The, once completed, we're going to conform to the plan that was submitted. So that's construction that's going on now

Ms. Nichols: The propane tanks will be gone?

Mr. Paniccia: it has nothing to do with this

Ms. Nichols: It looks like they made the, extended the driveway, parking area way close to the river, much closer than I want

Mr. Paniccia: I believe there's a concrete wall there so they couldn't go any further than

Ms. Nichols: okay, I'm just

Mr. Paniccia: that's existing

\*\*several talking at once\*\*

Mr. Glover: Stop, stop, stop. It's a free for all here. And how does the propane tank, or how do the, does the propane tank or the lights impact whether they put a three season porch on

Ms. Nichols: I just, I'm just, I don't know if that's what's creating the issue, you know, it's all happened over the winter where it's been encroached upon.

Mr. Glover: right, but if they, if they put a new face or enclose that, it wouldn't change the, the a, those issues that you've made, brought up

Ms. Nichols: I don't know. I don't know why they came so close to the river

Mr. Glover: I don't either, but that's not, that's not our thing, that would be probably the wetlands department, not ours. I'm listening to you, but I'm not, I'm trying to

Ms. Nichols: Yeah, I don't know if they had to extend the parking lot to accommodate the

Mr. Glover: Apparently they did not have to because that's not part of the application tonight.

Ms. Nichols: yeah, I just, you know, I heard variance from 12 to 1 foot I was

Mr. Glover: Yeah, it's on the side of the shopping center

Ms. Nichols: yep, okay

Mr. Glover: Thank you

Ms. Nichols: thank you.

Mr. Paniccia: If I may answer her concerns

Mr. Glover: In a minute, you may answer her concerns. I'll give you a chance to rebut in a minute. Is there anyone else in opposition? (no response) Alright.

Mr. Paniccia: Just again, on her concerns right now, there's a concrete wall here so nothing can, nothing moved, nothing's going to move. The lights you're speaking of I'm familiar with those. Those are the construction lights that they were working late, of course it was dark. Those were just the construction lights. Once the construction is finished, we plan to put some decorative lighting, LED's that will focus down so we have no pollution going up and all that. And that's not a requirement here in the town, but we

Mr. Glover: The only requirement is that you have to address us

Mr. Paniccia: yeah, but we do that, so that's, I know it's not part of this issue

Mr. Glover: not that fine lady over there, you have to address us.

Mr. Paniccia: Again, back to the closed patio, that's existing. The footings are there. That wall is there, that's not moving. We just want to enclose this up.

Mr. Glover: Alright, any further comments from the Board?

Mrs. Adanti: I would just like to know how many parking spaces for the record?

Mr. Paniccia: The parking spaces that we have are a, I used the same drawing that I used for the, the same site plan that I used for the Zoning hearing, we have an excess of 4 or 5 cars in calculation of what is required. So we are four cars over. We were speaking with Mr. Panico and the Zoning Commission regarding the entire site and the suggestion was that we come in with a PDD so that we can show that the, any excess cars we have here would help with the cars that are not here which now is existing also. So as I said, we have 4 or 5, I think I even picked up one more car, 5 cars here in excess of what is required.

Mr. Glover: Is it all one property now?

Mr. Paniccia: I think it's different pieces. The same family owns it

Mr. Glover: Right, I know

Mr. Paniccia: but they may be in different pieces, but the PDD will

Mr. Glover: combine it all

Mr. Paniccia: yeah, fix it all up

Mr. Conklin: Now, the parking that she was questioning, that included the patio?

Mr. Paniccia: Yes

Mr. Conklin: So being enclosed or not enclosed there's still

Mr. Paniccia: We had to include it because before (unclear) Even though it was a three season, but it was still enclosed, so

Mr. Conklin: so the patio was part of the parking calculation

Mr. Paniccia: Yeah, we had the calculation but we can't use the space for when it gets cold. So that's part of the hardship

Mr. Cavallaro: My question is, this wall that's existing, what is this wall constructed of? What type of material?

Mr. Paniccia: Right now I think it's a plastic material, yeah. No, it's not a fence, it's a plastic material, it's not

Mr. Cavallaro: How high is it?

Mr. Paniccia: it's about 8 foot 6

Mr. Cavallaro: from the ground up?

Mr. Paniccia: from the ground up.

Mr. Glover: Does it support the roof?

Mr. Paniccia: yeah

Mr. Glover: It does? Okay

Mr. Paniccia: Yeah, it's a structural wall, it's not a, you're calling it a fence, it's not a fence

Mr. Glover: Alright,

Mr. Paniccia: in fact it was a structural wall, we even showed the details to the building department because they wanted to make sure that you know, we had our seal and everything was protected. And again, it was existing so everyone was okay with it, existing from the point in time when I came on the scene.

Mr. Glover: Alright, unless there's an objection from the Board, I'd like to also continue this hearing so we can go out and take a look and see what's there

Mr. Paniccia: You'll see the columns holding up the beams

Mr. Mas: Can I say anything further?

Mr. Glover: No, next month.

Mr. Mas: Next month? Okay.

Mr. Glover: Alright, we'll continue the hearing until next month?

Mr. Conklin: Yes

Mr. Glover: Thank you.

Mr. Paniccia: Thank you.

**Approval of Minutes**

Later that evening during the work session the Board, upon motion by Commissioner Cavallaro and seconded by Commissioner Jones, unanimously voted to accept the minutes of the February 18, 2014 hearings as submitted by the clerk.

Respectfully submitted,  
Loreen Michalak, Clerk