

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, May 19, 2009 at 7:30pm

AGENDA:

- #409-4 Henry Kaminski at 54 Armstrong Road
- #509-1 TLC Kennels, LLC at 40 Oliver Terrace
- #509-2 Felipe R. Alves at 64 Sorghum Road

Possible Decisions on:

- #409-2 JNT LLC at 15 Birch Street, Proposed Lot 1
- #409-3 JNT LLC at 15 Birch Street, Proposed Lot 2

The regular meeting and public hearing of the Shelton Board of Zoning Appeals was held at the above time and place with the following members in attendance: Gerald Glover, Chairman, Linda Adanti, Phil Cavallaro, Ed Conklin, and Jack Fitzgerald.

Mr. Glover: Good evening ladies and gentlemen and welcome to the May meeting of the Shelton Zoning Board of Appeals. We meet monthly to work on appeals and variances. When you, when you speak in front of the Zoning Board of Appeals this is a hearing, you're giving testimony. That testimony is what will go to court if you disagree with what we decide. And so, because we keep it on tape recorders it's very helpful if you turn off your cell phones, if you put it on vibrate, if you don't have conversations in the room because the tape recorder will pick up those conversations and it will garble the tape. Our regulations require that your property be posted, that you have furnished us with four pictures of the property, one of them showing the posting. And that you have notified your abutting neighbors by registered mail and you'll be providing us with receipts showing that you did that. Those are our prerequisites so if you have them we will go on, if you don't have them we will continue your hearing until next month when you can fulfill those requirements. We have five commissioners here tonight. To my left is Commissioner Jack Fitzgerald. And next to Commissioner Fitzgerald is Commissioner Linda Adanti. Lori Michalak is our Clerk. I'm Gerry Glover. To my right is Ed Conklin and to his right is Commissioner Phil Cavallaro.

#409-4 54 Armstrong Road, Henry Kaminski of 54 Armstrong Road, Shelton, CT is seeking to waive Section 24.12.4 by varying the setback from the left side yard from 10 ft. to 2 ft. for an accessory building (shed).

Mr. Glover: Mr. Kaminski? Come on up and have a seat sir please. Would you give your name and address for the record please?

Mr. Kaminski: Henry Kaminski, 54 Armstrong Road.

Mr. Glover: And Mr. Kaminski this is a hearing that was held over from last month, continued from last month. At the end of that hearing I asked you to try to find out whether you could get some evidence that, of when those, when the sheds that are on your property were built. Actually, not the sheds, but specifically the shed that's here. Were you able to do that?

Mr. Kaminski: I got a letter from the guy who built it.

Mr. Glover: Alright, we have a letter from the Mosely Company. It says, "I Milton Mosely built three wood sheds, two at 54 Armstrong Road and one at 341 Carlyle Avenue in Bridgeport for Henry Kaminski per my invoice number 086 of October 2nd. Please call with any additional questions. Respectfully, Milton Mosely." So Mr. Mosely was the one who sold you the sheds?

Mr. Kaminski: He built them.

Mr. Glover: He sold you the sheds and built them

Mr. Kaminski: correct

Mr. Glover: And he built the sheds on your property on October 2nd, in October of '02?

Mr. Kaminski: right, right

Mr. Glover: Alright, so the shed that that we're talking about

Mr. Kaminski: is one of them

Mr. Glover: well it was erected in October of '02?

Mr. Kaminski: of '02

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

Mr. Fitzgerald: How many sheds do you have there?

Mr. Kaminski: What on our property?

Mr. Fitzgerald: Yeah

Mr. Kaminski: Well there, he built two, one adjoining, one adjoining to the barn

Mr. Fitzgerald: Okay, you told me he erected two, but how many do you have

Mr. Kaminski: I have a few more, but I will be moving the others. Am I answering your question?

Mr. Glover: Jack, there's a, there's a map that we had for last month that shows that he had, 1, 2, 3, 4, 5, 6, 7, 8, 9 sheds. The one that was in question is the biggest shed. The others are, are not in question, they're not in front of us, although it looks like at least 3 or 4 of them are on the neighbor's property. But the shed that we are in question is the big shed. Correct?

Mr. Kaminski: yes

Mr. Glover: Any questions from the Board? (no) Any other comments? (no) Jack, are you satisfied with what you see?

Mr. Fitzgerald: I'm wondering is there going to be any question of the remaining sheds, they seem to be over the line

Mr. Glover: Uh, the applicant, although those sheds are not in, don't seem to be in dispute for this hearing, the applicant is telling us that he's going to move, relocate those sheds.

Mr. Fitzgerald: Okay

Mr. Glover: But the shed that we are interested in is the

Mr. Fitzgerald: is the large

Mr. Glover: is the large shed

Mr. Fitzgerald: So in other words, he will be cleaning those sheds up, probably (unclear)

Mr. Glover: He will, but we don't have any authority to make him to do that

Mr. Kaminski: but I'm telling you I will

Mr. Glover: Yeah, we don't, the only one that we have any discretion over is the large one that's in question right now.

Mr. Fitzgerald: Okay

Mr. Glover: Alright?

Mr. Fitzgerald: yep

Mr. Glover: Final questions?

Mr. Conklin: Refresh my memory, that is an A-2 survey?

Mr. Kaminski: yep

Mr. Glover: It's not marked here

Mr. Kaminski: Last month I brought it in.

Mr. Glover: It's not really relevant though

Mr. Conklin: Well, it's relevant if it really is two feet or

Mr. Glover: It's not relevant

****several talking at once while reviewing the survey map****

Mr. Glover: Final questions? (no) Alright, yes sir?

Mr. Tristine: My name is John Tristine, I'm the neighbor

Mr. Glover: You have to come up here John.

Mr. Tristine: My name is John Tristine, I'm the neighbor that lives at 56 Armstrong Road. Um, how do you know that's a true letter from this guy, is what I want to know? Because if you remember correctly, the zoning commission went up there and they were not seen back then. Alright? They had looked on Mapquest or that Satellite thing, they weren't there. Now, maybe he built them for him, but I didn't see him put them there for those years. So I don't believe that letter, but

Mr. Glover: Well your testimony was that it was in the

Mr. Tristine: '05 or '06, I'm not sure. I really didn't pay attention to it because I really didn't care until they put the 8 sheds on my property line.

Mr. Glover: right

Mr. Tristine: and that's what set me off on the whole thing

Mr. Glover: But your, if I understood your testimony, because I read the minutes, you thought that it was the fall of '05 or early spring of '06

Mr. Tristine: correct, exactly

Mr. Glover: Thank you. Alright, final questions from the Board?

Mr. Fitzgerald: Yeah I have one more?

Mr. Glover: Go ahead Jack

Mr. Fitzgerald: Can that shed be moved?

Mr. Glover: Yes

Mr. Kaminski: Are you talking to me?

Mr. Fitzgerald: Yes

Mr. Kaminski: I imagine it could but I just don't have, for that one shed there I really don't have another spot to put it. I brought you pictures of the landscape of my property. You know?

Mr. Glover: Alright, you okay Jack?

Mr. Fitzgerald: Yeah

Mr. Glover: Alright, anything else? (no) Alright, then I'll declare the hearing closed, thank you very much.

Mr. Kaminski: That's it? Thank you

Mr. Glover: You're welcome

#409-4 Later that evening during the work session the Board upon motion of Mr. Conklin and seconded by Mr. Cavallaro, unanimously voted to deny the application for variance in the minimum setback from the left side yard, since the Board determined no variance was necessary since testimony indicated the structure had been there for at least 3 years, and therefore, according to regulations, is a pre-existing non-conforming structure.

#509-1 40 Oliver Street, TLC Kennels, LLC of 165 Monroe Turnpike, Trumbull, CT is seeking to waiver Section 18.1(a) by varying the use to allow a commercial kennel in an IA-2 zone.

Mr. Knauf: Good evening

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

Mr. Knauf: My name is Gary Knauf, I'm a real estate broker and I do business at 940 White Plains Road in Trumbull and reside here in Shelton.

Clerk: Would you spell your last name please?

Mr. Knauf: Yes, K-N-A-U-F

Mr. Glover: Alright, let's, we have a few corrections for the, are you going to speak?

Ms. Coppola-Braca: If I need to

Mr. Glover: Please give your name

Ms. Coppola-Braca: Antoinette, A-N-T-O-I-N-E-T-T-E, Coppola, C-O-P-P-O-L-A – Braca, B-R-A-C-A

Mr. Glover: And your address please?

Ms. Braca: 22 Wesley, W-E-S-L-E-Y, Drive, Trumbull, CT

Mr. Glover: Before you start, if there are other people are who are interested in this hearing, why don't you come forward so that you can hear. Have a seat. Alright now, just so you understand, I want you to be able to hear, but I don't want you to be able to talk.

Ms. Litvinoff: Not a word, promise.

Mr. Glover: When it's appropriate I will tell you when.

Ms. Litvinoff: Fine, thank you.

Mr. Glover: Now, to correct the record, I believe this is Oliver Terrace it's not Oliver Street.

Mr. Knauf: Correct

Mr. Glover: okay, so this is a variance for Oliver Terrace not for Oliver Street. Number 2, this is not a use variance. I believe the use is permitted in this zone

Mr. Knauf: it is

Mr. Glover: So it is not a use variance, although that's how the application was written, to allow a commercial kennel in a 1A, 1A-2 zone. So it is not a use variance. I think your problem is that you need 5 acres.

Mr. Knauf: that's correct

Mr. Glover: And that's what the variance you're asking for is to have a kennel in an establishment that has less than 5 acres

Mr. Knauf: right

Mr. Glover: Correct?

Mr. Knauf: Well, I think the wording of the reg was ambiguous. I'm not sure actually, we weren't sure that we even needed to be here until we talked with Rick, because the property is actually 10.33 acres.

Mr. Glover: right, but

Mr. Knauf: but the interpretation of the zoning, of Rick was that it needed to be an exclusive 5 acres to the kennel

Mr. Glover: right

Mr. Knauf: even though the reg doesn't

Mr. Glover: and there are a number of businesses working out of that building.

Mr. Knauf: Correct, 110,000 feet worth

Mr. Glover: But how many businesses? It's 110,000 sq. ft. but is there one business, two businesses?

Mr. Knauf: Oh, no, I would say there's a minimum of 7 that I know of, there may be more

Mr. Glover: Alright, so there's 7 businesses, and yours would be the 8th one. And his interpretation as I understand it was that each one really needed 5 acres, or was it the kennel that needed 5

Mr. Knauf: just the kennel

Mr. Glover: The kennel needed 5 acres. So his interpretation was that the, the 7 shared 10 acres and therefore you didn't have 5

Mr. Knauf: yeah, if you did the math, that's

Mr. Glover: That's how I understand it, that's what I understand the problem is

Mr. Knauf: Well, yeah and I discussed with the Rick the intent of it. And we clearly understand the intent. Kennels are historically known to be noisy, dog barks, outdoor runs and we don't have any of that here because the entire kennel is indoors.

Mr. Glover: Alright, tell us what you want to do, and we know why you can't comply, but tell us what you want to do.

Ms. Coppola-Braca: I have pictures as well of the current facility

Mr. Glover: Yes, I need the, first of all I need the pictures of this one

Mr. Knauf: Going over here, these are the certified mailings

Mr. Glover: And these are all the neighbors?

Mr. Knauf: Yes, yeah. Here's a picture of the posting and I've marked the back of each of these cards as to um, across the street is the recycling, United Recycling, our neighbor to the south or as we noted to the left is Brennan Construction and their equipment yard. To the left of us is vacant space, uh, to the rear, this is the CT DOT property to the rear. And this is the space to the, as we've noted to the right, which is vacant land.

Mr. Glover: Alright, before I go on is there anybody that has an interest in this, because I don't want to exclude you but, we can't use the microphone because that's behind us. And as you can see we're going to be looking at maps and pictures so it's, it's not appropriate for us to be back there and for you to be over here using the microphone so we have to be a little bit more intimate here and if, it's important because it is a hearing, that you can hear. So if you have an interest, I would encourage you to come forward so that you can hear. Alright, I've got your pictures.

Mr. Knauf: Yes

Mr. Glover: I know who the neighbors, you've notified all the abutting neighbors

Mr. Knauf: we have

Mr. Glover: Does that mean you've notified the other 6 or 7 tenants in the building?

Mr. Knauf: I believe the landlord has done that. We did not notify the tenants, not by mailing anyway. We've worked with them to this point, looking around the building. Just so I can clarify, the 110,000 sq. ft. is actually 5 different buildings on the site. It's a 10.3 acre site so it is different compartmentalized. This location, this particular location on Oliver Street, I think is a very suitable use for the kennel. TLC Kennels is an existing business in Trumbull right now, so it's not a start-up. It's operating in the same fashion it would operate here in Shelton, all in doors. The landlord, and I have a letter that I'll submit in a moment from the landlord, has taken many precautions because she's going to be, this business a part of an existing facility, everything from visiting her site, cleanliness, noise level and many precautions that, leasehold requirements that he's passed on and has discussed with the tenant. But as I said she's an existing business now, so when she approached me to come up to, look for a new space, my first thought was to bring her to Shelton. I thought Shelton and her business was a very good fit. I'm a family in town, we have pets and have availed ourselves of kennels over the years, as I'm sure many of you have. And as I looked around knowing well that we could be in an industrial zone, IA-2, as I went around and looked at the sites in town that I was familiar with, I went up Oliver Terrace not even knowing anything was available. When I got to the end there was vacant space, I researched it, thus is the reason we are here. But I think the fit, Oliver Terrace those of you who are not familiar with it, it's off of Platt Street, which is across from the Bridgeport Avenue where Webster Bank is. So while it's a remote location, it's a cul de sac, it's also pretty accessible for clients. It's not a traffic generator, it's a relatively, it's a destination business, not a drive-by business. I'm going to stop and leave my dog. It is a business that you'll use because you use them time and time again. And I think it's a good use in Shelton. I think it's a good fit. The traffic I think on Oliver Terrace is significantly more devoted to the other industrial uses and it certainly would be to this spot. But within in the midst of the 110,000 feet this location is on the street frontage side of Oliver Terrace, so there's no winding through the park to get to it. Once you come up the cul de sac, it has a driveway access from Oliver Terrace and it is devoted parking right in front of the building. So it'd be easy access for clients that come in park, right to her front door. The amount of space is 6,000 ft. in total and I as indicated the entire facility is 110,000 ft., so it really represents a small percentage of the total space. The, you discussed Mr. Chairman, the reason that we're here as to the acreage. We were not quite certain of that but of course before we completed their lease negotiations and before we made any attempts to move into the premises, we had a sit down with Rick Schultz and he and I went over the meaning

and the understanding or the intent of the existing regulations. So, that is, you're absolutely correct it is an allowable use in the IA-2 zone and it is simply because of the acreage that we are here. As to the neighbors, I think it's um, I reached out to all of them, the adjoining I should say, directly. I spoke to United Recycling, they had no issue that they brought up with me as to a problem. I spoke directly with Eric Brennan, there was no issue there as well. And Harold, the landlord, has a very good relationship with the rest of his tenants up there and I'm, I'm certain he's very comfortable there. And the closest neighbor to us within the complex is Satin America, who was the original owner of the building, and they have been nothing but cooperative with going through the site and helping us with determining where we're going to locate things over there. The a, should I read this brief letter into the record from the landlord, or would you prefer I just submit it to you?

Mr. Glover: No, read it because it's the only way it will get into the record.

Mr. Knauf: Okay, good. This is to the Shelton Zoning Board of Appeals, it's dated May 18, 2009. "To whom it may concern: My name is Harold Thomas, I represent Bernhard-Thomas, LLC, as the managing member for the property at 40 Oliver Terrace. I have previously visited TLC Kennels unannounced, owned and operated by Tony Braca. The purpose was to inspect her operation, to determine the feasibility of TLC Kennels relocating to our facility. I found the exterior of the building quiet, no discernable sounds of canine occupancy, no outdoor runs, odors or noise from the animals. Upon entering the kennel I was taken on a tour and found impeccable cleanliness, in other words, no odors, fecal matter or urine. The odor throughout the facility was a pleasant orange-like scent. All in all the conditions were extremely impressive. As a managing member, I have no objection to TLC Kennels occupying space at 40 Oliver Terrace, in fact, I feel the location and surrounding businesses suitable for such an operation. Please feel free to contact me with any questions you may have on my cell phone at 203-673-6335. Sincerely, and signed by Harold Thomas, III." Thank you. Obviously the owners are very satisfied that this business would be a good fit with their building and within their complex. And I can attest to the fact during the lease negotiations they thoroughly addressed all the leasehold requirements to ensure that. I guess the only other point I would like to bring up to the commission, and of course we're happy to entertain your questions, is that not realizing we had to make this stop at the Zoning Board of Appeals, the kennel business is a seasonal business, as I think you can all appreciate. Most of us board our dogs in the summer, summer vacations when we go away. It was Tony's goal to be out of her facility and into this facility and up and running for the summer session. So with a, with an approval tonight if you so deemed it, we would be able to meet that goal. The further off we get pushed, the further it would impact, not that that's your problem, but it's just a timing problem that we are trying to deal with on our end. So I think in summary, the location is good, the community need is there. It's not a traffic generator. It will provide jobs for, part time and full time jobs for hopefully Shelton residents. And I don't think it will have a negative impact on anybody whatsoever.

Mr. Glover: How many dogs are you going to kennel?

Ms. Coppola-Braca: It varies. It varies at any given time. We can go up to 78

Mr. Glover: 78 here, and cats too?

Ms. Coppola-Braca: Cats too.

Mr. Glover: How many cats would you

Ms. Coppola-Braca: Uh, cats can go anywhere from, the most we've ever had was 32

Mr. Glover: (unclear)

Ms. Coppola-Braca: Yeah, and the cats are in a separate section. I actually brought pictures of the inside of the facility, the outside. I made copies for everyone

Mr. Cavallaro: A little over 100 animals

Ms. Coppola-Braca: Yeah, and actually, there's a white folder and blue one for each member. The blue are letters from clients in support that are hoping that this does go through because they're all pretty frightened about going elsewhere. The top is a letter from Harold, also the application that we put in and a small map of the surrounding area. If you have questions on the pictures I can explain whatever you might have questions

about. The picture showing the back of the kennels and the walls where the windows are, are just to give you proof that there are no extended outdoor usages whatsoever.

Mr. Glover: Do you walk the dogs?

Ms. Coppola-Braca: We take them out into the play room. There's a play area

Mr. Glover: in the facility, still inside

Ms. Coppola-Braca: inside, yes

Mr. Glover: Now this has floor drains in it, does your, will your new facility

Ms. Coppola-Braca: Oh absolutely, absolutely.

Mr. Glover: Alright, so you're going to do a lot of remodeling to this building

Ms. Coppola-Braca: yes, oh God are we, yep

Mr. Glover: Your access is the front doors, the glass doors that are in the front there?

Ms. Coppola-Braca: No actually, we're going to be putting in a new door. Are you familiar with the building, it sounds like?

Mr. Glover: I was in the building today

Ms. Coppola-Braca: Oh, okay, if you, did you go in the two front doors?

Mr. Glover: They were locked. I came up from downstairs and walked all around the upstairs.

Ms. Coppola-Braca: Okay, if you went into

Mr. Glover: If I would have come in the front doors, my understanding is you're to the right

Ms. Coppola-Braca: we're to the right

Mr. Knauf: And they're relocating an entry to the right side

Ms. Coppola-Braca: to the right. If you walked in on, in the front doors and you walked all the way over to the right, there's that little jagged like alcove with the black onyx tile, they're going to put the door right before the black onyx tile. And Acorn Glass out of Stratford is going to do it.

Mr. Glover: Alright, so they're actually going to create another opening

Ms. Coppola-Braca: Correct. Because whoever takes the right side if they want to use it, there's actually a vet that might be interested in taking that. And that would be their entrance and it would be completely separate. We're going to be walled off, soundproofed and

Mr. Glover: You're all going to be air conditioned throughout

Ms. Coppola-Braca: Oh, it is now

Mr. Glover: I understand, but will you be zoned for yourself?

Ms. Coppola-Braca: Yes, oh, no, no, no, they don't have individual zoning, currently

Mr. Knauf: but you'll, she'll have her own temperature control ability, but it's

Ms. Coppola-Braca: right, but what we do is the landlord, everybody kind of chips in and divides it up. Now, what I expect to be done and we discussed is, since I'm the newbie in town, I would like 3-6 months of past bills which they agreed to, and whatever the overage is would naturally be mine. So I would pay whatever that overage cost is.

Mr. Knauf: But it is all climate controlled

Ms. Coppola-Braca: Yeah, it's all climate controlled, sprinklered, everything.

Mr. Cavallaro: You're going in what was the manufacturing area for Satin

Mr. Knauf: No it was actually the office area, upstairs.

Ms. Coppola-Braca: And that was, what was Harold's company called?

Mr. Knauf: Bernhard-Thomas

Ms. Coppola-Braca: Bernhard-Thomas, and Dan, I don't know if you're familiar with Dan the actual president of the corporation, he came up and looked at it. We were delayed a little bit as well because he was on his island building his new home.

Mr. Glover: So we have, we have about 100 animals and

Mr. Knauf: at full capacity

Ms. Coppola-Braca: full capacity

Mr. Glover: right, and we have a building that's conditioned, we have a, it's sprinklered so the animals can't get killed if there's a fire or some calamity

Mr. Knauf: correct

Mr. Glover: People I'm assuming, bring their pets there and leave them for a week, two weeks

Ms. Coppola-Braca: yeah, it varies, sometimes three days, sometimes a weekend

Mr. Glover: But you're not likely to have 100 cars come up the road every morning

Ms. Coppola-Braca: Oh, no, no, no, no that's, no. Vernon has more activity than we'll ever have, definitely. No ours is, it varies

Mr. Glover: How many parking spots do you have?

Mr. Knauf: I would guesstimate the parking in front of that building to about 60 spaces, maybe 50 to 60

Mr. Glover: So you have adequate parking

Mr. Knauf: More than adequate

Ms. Coppola-Braca: more than adequate, where we are now it's almost double where we are now

Mr. Knauf: If there were 3, a requirement of 3 spaces per 1,000, she would only need 18 (unclear)

Mr. Glover: Alright, does the Board have any other questions? (no) The sounds and the odors are, how are they controlled?

Ms. Coppola-Braca: Minimal sound, we, if you look on, I just saw that you had a copy of our floor plan?

Mr. Glover: Yes

Ms. Coppola-Braca: On the side of it,

Mr. Glover: I saw the

Ms. Coppola-Braca: the soundproofing, yes, that's going to be on all the exterior walls abutting the current businesses within the building

Mr. Glover: Are you going to cut into the concrete floor, or build up

Ms. Coppola-Braca: Build up from the concrete floor most likely

Mr. Knauf: The sound engineer actually is going to do the soundproofing. These are some of the, the questions that you're referring to are the points that the landlord really took great interest in. Of course there's other tenants, it's his building, visiting her existing facility kind of was the icing on the cake as to how she runs her business, but the drains, the soundproofing, the climate control, all those items were very thoroughly addressed by the landlord.

Ms. Coppola-Braca: To be honest with you, when they're happy there's not a lot of noise, and that's what we're known for. We play music for them all day long, we're hands on, constantly

Mr. Glover: What kind of music do they like?

Ms. Coppola-Braca: I play a lot of classical

Mr. Glover: Do the dogs have a different preference than the cats?

Ms. Coppola-Braca: we don't do any rap, it tends to cause violence and a, but when you do a lot of hands on and you know what you're doing and they're happy

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

Mr. Conklin: How big is your existing facility?

Ms. Coppola-Braca: This is, currently it's, when the contractors measured it out it was 4200, I thought it was 5,000, but when they measured everything out with the little device it was 4200

Mr. Knauf: this is slightly larger than hers

Mr. Conklin: So basically you're not expanding your

Mr. Knauf: no

Mr. Conklin: (unclear – several talking at once)

Ms. Coppola-Braca: and I've been doing this for 43 years, it's what I do

Mr. Glover: You must have started when you were an infant

Ms. Coppola-Braca: Yep, in-utero actually

Mr. Glover: alright, any other questions from the Board? (no) Alright, is there anyone in this room who is in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (yes) You people sitting back there, have you been able to hear everything?

Ms. Litvinoff: they're with me anyway

Mr. Glover: Okay. Alright, would you give your name and address for the record please?

Ms. Litvinoff: My name is Juliane, J-U-L-I-A-N-E, Litvinoff, L-I-T-V-I-N-O-F-F, my address is 96 Prospect Street in Ansonia

Mr. Glover: And how are you concerned with this?

Ms. Litvinoff: I own “Claws and Paws Resort” which is a commercial kennel on Todd Road, which is the street directly underneath their street. My building is just about directly underneath their building. I don't, I just don't know, I'm really here for information more than anything else. I don't know if there is a statute about two businesses that are the same

Mr. Glover: No

Ms. Litvinoff: within a certain

Mr. Glover: No

Ms. Litvinoff: No, there's not

Mr. Glover: Not that I'm aware of.

Ms. Litvinoff: I agree that a happy kennel is a kennel that doesn't make noise and that's very true. Need, I question need, I've been there for a year and a half, we are not full at any point

Ms. Coppola-Braca: I can send you my overflow

Ms. Litvinoff: I don't need it, thank you

Mr. Glover: Excuse me, we can't have a conversation

Ms. Coppola-Braca: Oh, I'm sorry

Mr. Glover: Remember I told her she had to be quiet, now you have to be quiet

Ms. Litvinoff: We don't, we do daycare. We do, and I'm sure she'll bring all of her clients with her and that's wonderful, but we've been there for a year and half, it just seems a little step on the toesy to me. And me that doesn't make any difference, but

Mr. Glover: It doesn't, that would be limiting competition

Ms. Litvinoff: Okay, and actually we had discussed it, my partner and I did. We are on 5 acres. We actually make, we follow the rule, so we're saying if we have to follow the rule, everyone has to follow the rules

Mr. Glover: And they may be following the rules

Ms. Litvinoff: And that's fine, so long as that's how it works out to be

Mr. Glover: It is probably how it works out to be. And I mean I, they've had an interpretation by the zoning administrator that, that they don't have 5 acres exclusively for their business, but they're in a business that has 10 acres

Ms. Litvinoff: correct

Mr. Glover: So it's kind of a

Ms. Litvinoff: that they share with 6 other businesses

Mr. Glover: I understand that, but it's kind of, what was the intent of that regulation? What was the intent of that regulation? And that's what we have to decide, if they're within the intent of that regulation.

Mr. Knauf: I just wanted

Mr. Glover: Excuse me

Mr. Knauf: I'm sorry, I just wanted to see where you were

Mr. Glover: You have to be quiet now. She's up the street from the area

Ms. Litvinoff: I'm down the street

Mr. Glover: down the street

Ms. Litvinoff: You could, if you, if I stood on my roof, I can see through your front door, that's how close

Mr. Glover: You're Dr. Hochman

Ms. Litvinoff: Holec, yes

Mr. Glover: Holec's old place, yep. Alright, so you're, you're in opposition

Ms. Litvinoff: I am

Mr. Glover: I understand. You're in opposition because you think that they should be held to the same standard that you are, that they should have 5 acres the same as you have 5 acres

Ms. Litvinoff: I do, I agree

Mr. Glover: Is there anything else?

Ms. Litvinoff: That's enough for me thank you.

Mr. Glover: Thank you. Anyone else in opposition? (no response)

Ms. Litvinoff: they're with me.

Mr. Glover: Alright, last call for anyone who wants to speak in opposition? (no response) Alright, thank you.

Ms. Litvinoff: Thank you. Am I dismissed?

Ms. Coppola-Braca: (unclear)

Mr. Glover: No

Ms. Litvinoff: Am I dismissed, or not. I just don't want to do the wrong thing and stand at the wrong time

Mr. Glover: No, you're doing the right thing

Ms. Litvinoff: Thank you very much

Mr. Glover: Alright, now we've had, we've asked for people who are in favor of this and you were in favor and then we asked for opposition and they were opposed, now it goes back to you to have a brief rebut to whatever she said.

Mr. Knauf: of course

Mr. Glover: So, what do you have to add?

Mr. Knauf: Well, I think competition is a good thing, I don't think it's a bad thing, so I certainly don't see our business, you know, but I don't know that that's a valid reason from a standpoint of you know, the variance we're asking for

Mr. Glover: Right

Mr. Knauf: is what I would say. The interpretation matter was exactly that, interpretation. I could make a very good case that I don't know that it has anything to do with the other tenants. The regulation does not reference that whatsoever

Mr. Glover: Well, this would be the time and the place for you to make that case

Mr. Knauf: Yes, and I'd like

Mr. Conklin: Who are the other tenants in this building?

Mr. Glover: There's a large warehouse, warehouse operation

Mr. Conklin: that works strictly inside, internal, they don't store anything outside on palletts

Mr. Knauf: No everything here, these are the building that are on the grounds as we speak. This is a small building, the warehouse is down here. Satin America who used to own this building is on the entire lower level. This is additional warehouses, there's a water supplier, there's a coffee wholesaler, and there's one other business down at the end. Satin America is the entire lower level, I'm not sure who's over here to be honest with you, I see the employees down here

Ms. Coppola-Braca: I think that's part of Satin as well

Mr. Knauf: The parking that's out in front of the building here, this is the subject property right here, front right of the building, 6,000 ft. Now the Claws and Paws I guess is located somewhere over here, but you can see clearly this is 100 foot scale per inch, they've got to be

Mr. Conklin: this is part of their property

Mr. Knauf: this is part of their property. The reason Todd Street had to be notified was because of the adjoining empty area over here. But they're, I would say they're probably 1,000 feet if this is there's.

Mr. Conklin: This is the Outlaw building back here, right?

Mr. Knauf: Correct

Mr. Conklin: this is the (unclear) molding

Mr. Knauf: Is theirs you say, here, is that

Mr. Glover: They're down here

Mr. Knauf: I'm just looking for a 5 acre parcel

Mr. Glover: It's not really important anyway

Mr. Conklin: So this property is vacant?

Mr. Knauf: That's correct. Part of this vacant, I assume to be developed someday, but these guys bought the building from Satin America and had their business up on the first floor and, yeah, so I don't know what the plans are for this, it never really came up with Harold

Ms. Coppola-Braca: Is that the vacant area in the back?

Mr. Knauf: This is the vacant area at the end of the cul de sac. Now, you know, the regulation clearly states and I'd like to read it for you because this is the ambiguity of it and goes in part to the point I'm, bear with me one moment.

Ms. Coppola-Braca: Can I make a small statement while he's?

Mr. Glover: You can say whatever you want, it's your turn now.

Ms. Coppola-Braca: Okay, I just want to make anyone aware

Mr. Glover: But you're not, but you have to address us not them.

Ms. Coppola-Braca: Okay, what I have done in the past when we've been full to capacity is I reach out to other surrounding facilities for our overflow, and I do encourage people if they're happy at that facility to continue using them. My whole thing is there's enough animals in this area to keep many many businesses busy. Right, we're in the building with Mobile Vet, and right down the street from Mobile Vet is Trumbull Animal Hospital, and there's other mobile vet units as well in the area, many of them now. There's many grooming trucks in the area now that go door to door and it has had no impact on my business whatsoever. And I don't mind sharing business with other people because if you're all doing the same thing and you're doing it correctly then you're not a threat to each other.

Mr. Glover: But that's irrelevant to us.

Ms. Coppola-Braca: Okay

Mr. Knauf: I'd like to just read the regulation to you as we interrupt it so you can understand what actually did occur everybody. Commercial kennels, and kennels are allowed in an IA-2, as noted here, zone, subject to the following conditions: Each use shall require a lot of not less than 5 acres. We are 10.3 acres and that was in large part, part of the decision to go to that building. Dogs shall be kept in buildings, enclosures or runways located not less than 300 feet from the property or the street line. We clearly meet that because we're not any, dogs outdoors. And all dogs shall be confined in enclosed buildings except during daylight hours, we meet that. So clearly we're IA-2 zone, we felt we met all the requirements, but just due diligence as I'm accustomed to in my business, meeting with Rick, he started to speak to the intent. And the reason I asked which property was hers, I don't see a five acre piece on Todd Road, so I'm not sure that

Mr. Glover: It's not relevant

Mr. Knauf: I know, but I again, if you go to the Shoreline Animal Clinic and look at their facility, they're not in an IA-2 zone, they're were a PDD and they were in, actually in more of a commercial retail zone. They board dogs routinely. They may not board them as long, they board some of their dogs much longer. So I don't think we're asking for anything that we're frankly not allowed

Ms. Coppola-Braca: there's the Stratford Animal Hospital as well right off exit 11

Mr. Knauf: It's just a question of how you interpret what this says, and I think clearly we fall within, but I'm not the boss, you know? Zoning, we defer of course to Rick and his recommendation, although admittedly the regulation is antiquated per Rick.

Mr. Glover: Alright, you have to give your name and address please

Atty. Herbst: Mr. Chairman, my name is Timothy Herbst, I live at (unclear) Trumbull, CT, and I'm here tonight, just briefly I want to let the commission know that I sat on the Planning and Zoning Commission in Trumbull when the first application came in, and currently on the Commission now, but when Tony came in we had to approve this and our Commission put the applicant through a very rigorous process of soundproofing and noise deadening and in all honesty she exceeded our expectations and did a tremendous job of containing noise, of creating a suitable environment for animals and has quite frankly been a good neighbor to all in the area and I just wanted to point that out to the Commission that she will live up to that expectation.

Ms. Coppola-Braca: I do have letters in the clear binder from the abutting current neighbors where I now exist and there has been absolutely no problems whatsoever.

Mr. Cavallaro: I have a question on the 5 acre deal? Is it 5 acres because of the potential noise

Mr. Glover: Probably because of the potential noise and the odors and the

Ms. Coppola-Braca: odors

Mr. Glover: things like that that are associated, typically associated with a kennel.

Mr. Cavallaro: So then having, just the mere fact that there's 10 acres on the property regardless of where they are within that facility

Mr. Glover: Well, right, yes, I agree with what you're saying

Ms. Coppola-Braca: Back in the old days when they were outdoors I don't know too many people that wanted to live closer than 10 acres to one because

Mr. Herbst: Mr. Schultz, if I may Mr. Chairman, Mr. Schultz also indicated that this regulation goes back quite some time and in fact it was probably created at a time when there weren't a lot of modern updates made to kennels that there are being made now.

Ms. Adanti: I have a question. Is there anybody that's currently sharing the property that you're on in Trumbull?

Ms. Coppola-Braca: Yes, Mobile Vet Clinic

Ms. Adanti: But it is not other businesses, it's

Ms. Coppola-Braca: No, it's just Mobile Vet Clinic is on the first floor and the kennel, the actual functioning kennel itself is on the second floor, our office is on the first floor with the Mobile Vet Clinic

Mr. Cavallaro: but the Mobile Vet Clinic is a separate tenant

Mr. Knauf: separate tenant, separate business

Ms. Coppola-Braca: Yes, oh yes, I'm sorry

Mr. Cavallaro: The only other question I have is the 300 foot rule. I don't believe that this is 300 feet, and I know it's probably a zoning issue, but it could play into our decision. This doesn't look like, 1 inch equals 200 feet. This corner of the building is not 300 feet from the road

Mr. Glover: Well, fortunately for us, that hasn't been referred to us, just the 5 acre that's been referred to us. Alright, does the Board have any other questions? (no) You gave me the Schedule A permitted uses, which is what this is. You're familiar with the Schedule A, as a realtor

Mr. Knauf: yes

Mr. Glover: And this is in an IA-2 zone

Mr. Knauf: yes

Mr. Glover: Do you know of any other use in the IA-2 zone that requires that use to have 5 acres of land

Mr. Knauf: I do not, to be honest with you, I do not

Mr. Glover: I didn't think there was either. And what I'm seeing here is that one of, the thing that's a question here is the 5 acres and this says that each use shall require a lot of not less than 5 acres respectively

Mr. Knauf: Correct

Mr. Glover: There's no, that I know of, there's nothing in this zone whether it be Satin America or CT Transfer or Brennan, that says if you have a building, building business you have to have 5 acres of land

Mr. Knauf: agreed

Mr. Glover: I don't think that there's anybody in, that I know of because I was up there today in this building, I don't think there's any use in this building that has the requirement of 5 acres. And I can see if there were seven uses that required 5 acres that you might have to have 35 acres of land. But I

Mr. Conklin: That's exactly why I was asking the question

Mr. Glover: But I see only one use that requires 5 acres of land and that use appears to have 10 acres of land associated with the property

Mr. Knauf: Agreed. And it was our dilemma, but never the less we're here.

Mr. Glover: The important thing is to understand that this is a permitted use

Mr. Knauf: That's correct

Mr. Glover: Okay, it was advertised as a use variance which is a totally different situation

Mr. Knauf: Well, yeah, I

Mr. Herbst: We had a conversation with Rick and that's where it got into interpretation Mr. Chairman, because of the whole 5 acres vs. the 10.3 and is the one use as it relates to the 5 acres, so that's where we got into this dialog with Rick and that's, and that's how we arrived at that. I apologize for that but it was, it warranted obviously bringing it into your board, because obviously your planning director felt that it was

Mr. Glover: Well, he felt that it was ambiguous and he was on shaky ground granting it so he referred it to here to make it unshaky.

Mr. Herbst: Correct

Mr. Glover: (unclear) If we vote. Alright, any questions from the Board? (no) Then I'll declare the hearing closed, thank you very much.

Mr. Knauf: Thank you for your time and attention.

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

#509-1 "In the application of TLC Kennels, LLC of 165 Monroe Turnpike, Trumbull, CT for a certificate of approval for a commercial kennel to be located on the property of Bernard-Thomas, LLC at 40 Oliver Terrace, IA-2 zone, and which requires a variance to allow a kennel in an IA-2 zone,

The application for a variance is approved.

Inasmuch as the entire parcel consists of more than 10 acres of property, and

Inasmuch as there are more than 5 acres available to fulfill the requirement of the zoning regulation requiring a kennel to have 5 acres,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to allow the commercial kennel on this property at the above is granted (Section 18.1(a)) in this instance.

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

#509-2 64 Sorghum Road, Felipe R. Alves of 64 Sorghum Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 11 by varying the maximum lot coverage as a percent of lot area from 15% to 21% for a two car garage with a deck.

Mr. Alves: Good evening

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

Mr. Felipe Alves: Sure, I'm the owner of the home, Felipe Alves, 64 Sorghum Road, Shelton, CT 06484

Mr. Mark Alves: I am Mark Alves, brother to the owner, 16 Lucille Drive, from Easton CT.

Mr. Glover: Alright now, do you have some pictures for us please?

Mr. Mark Alves: Yes, sir, put them all together, those are the main floor, these are extras

Mr. Glover: Did you start working on this already?

Mr. Mark Alves: Yes, we required permits to work on the addition part of the home, that you see on the right hand side.

Mr. Glover: And you have some receipts please?

Mr. Mark Alves: correct, we have a before listed on the letter and one additional as requested

Mr. Glover: Sorghum is the road that goes behind the community center, correct?

Mr. Mark Alves: correct

Mr. Glover: And Sorghum's an R-2 zone?

Mr. Mark Alves: Correct

Mr. Glover: And most of these lots are pre-existing non-conforming, they're very small lots

Mr. Mark Alves: correct

Mr. Glover: And you want to do what?

Mr. Mark Alves: We're looking to build a new garage, two car garage behind the home, the right rear perpendicular to the home

Mr. Glover: attached or detached?

Mr. Mark Alves: Attached with a breezeway between

Mr. Glover: Okay, and the problem is that your percentage of lot coverage exceeds the maximum

Mr. Mark Alves: Correct

Mr. Glover: That's it, setbacks are fine, height is fine,

Mr. Mark Alves: yep

Mr. Glover: use is fine. Alright, I really don't have anymore questions because I know that this is an R-2 zone. I know this is a pre-existing non-conforming lot. I know that the lots are smaller than they're supposed to be now

Mr. Mark Alves: right

Mr. Glover: and so I know that this along with Waverly Terrace and that whole area often come here for lot coverage, percentage of lot coverage because the lots are so small,

Mr. Conklin: And you're building it back of this area?

Mr. Mark Alves: On the other side of the house we're going to relocated the driveway to the left side if you're facing the front.

Mr. Cavallaro: is that where the shed is now in the back?

Mr. Mark Alves: Yeah, yeah, that's our neighbor's shed. That's, it's going to go right over there

Mr. Glover: And you're not really encroaching on any of your neighbors, your just building too big for the size of the lot

Mr. Mark Alves: yeah, that's all, we're within our setbacks.

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

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

#509-2 "In the application of Felipe R. Alves of 64 Sorghum Road, Shelton, CT for a certificate of approval for an attached two car addition with a deck to be located on the property of the applicant at 64 Sorghum Road, R-2 zone, and which requires a variance in maximum lot coverage,

The application for a variance is approved.

Inasmuch the lot is a pre-existing non-conforming lot, and

Inasmuch as the structure meets all other setback requirements,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in maximum lot coverage from the maximum 15% to 21% at the above is granted (Section 24, Schedule B, Standard 11) in this instance.

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

Respectfully submitted,
Loreen Michalak, Clerk