Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, October 16, 2012 at 7:30pm

AGENDA:
#912-6 Thomas & Mary D'Addario at 42 Canfield Drive
#1012-1 Kids Zone Realty, LLC at 7 Platt Road

Mr. Glover: Welcome to the October meeting of the Shelton Zoning Board of Appeals. We have two, two items on our agenda tonight, but the first item is, has, the representative or the attorney has asked that it be continued because he is in negotiations with the corporation counsel to find out what jurisdiction he should be in. So he sent us a letter asking this to be continued until the November meeting. Under the circumstances I think we should do that. Can I have a motion to continue this?

Mr. Conklin: So moved

Mr. Glover: Do I have a second?

Mr. Cavallaro: Second

Mr. Glover: All in favor? (unanimous "aye") Okay, so if there's anyone here for the D'Addario hearing, it has been continued until the November meeting so you're welcome to sit here, but we're not going to talk about it.

Mr. Glover: Good evening, my name is Gerry Glover, I chair the Zoning Board of Appeals. Present tonight are Commissioner Phil Cavallaro, Commissioner Ralph Matto, our Clerk, Lori Michalak. To my right is Commissioner Jones and to his right is Commissioner Conklin. We meet monthly to decide variances and appeals. Tonight we only have one variance in front of us, so I imagine everybody here must be interested in that one item. Our regulations require that you have, that the applicant has notified his abutting neighbors by registered mail and that the applicant provides us with four pictures, photographs and that one of the photographs shows the placard that is supposed to be posted on the property. This is a hearing. Everything that is said here is testimony. When you speak to us you're giving testimony. It's recorded on two tape recorders and later on is transcribed into hard paper stuff that goes in the city hall vault. It is that record that if you don't like what we decide here tonight, it is that record that goes to the Superior Court to have the court change, or you challenge our decision. For that reason, if you have a cell phone, please put it on vibrate or shut it off, and please refrain from having discussions within the room because it will pick up on this very highly sophisticated City of Shelton equipment. And if it is picked up, she'll have a difficult time later when she's transcribing it. Our procedure here is that we will call the applicant. The applicant will come up and tell the Board what they want to do. The Board will ask the applicant questions and then we, I will ask if there is anyone in favor of this application. If there's anyone in favor they will have their opportunity to speak then, and then I will ask if anyone is against it or opposed, any opposition to it. If you are opposed, that is when you will speak. Everybody will have a chance to speak if you want to. And let's go.

#1012-1 7 Platt Road, Kids Zone Realty, LLC of 7 Platt Road, Shelton, CT is seeking to waive Section 23, Schedule A, Use Line 6.C to allow a daycare center and Section 33.16.2b to allow a play area within the setback**.**

Mr. Glover: Is the applicant here?

Atty. Anthony: Yes indeed, Mr. Glover.

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

Atty. Anthony: My name is Fred Anthony, I'm an attorney with Anthony and Reale in Shelton. I'm here on behalf of Ms. Deborah Petruzello Ulrich, who is seated at my right and who is principal of Kids Zone Realty and the applicant for 7 Platt Road.

Mr. Glover: Alright, and you're asking for a use variance

Atty. Anthony: That's absolutely correct

Mr. Glover: Our, the city's Planning and Zoning Commission regulations require that when we get a use variance, that we transmit a copy of that application and that reference, and that application to the Planning and Zoning Commission. I have a letter here which I'd like Jamie to read into the record.

Mr. Jones read letter: "MEMORANDUM. To: Gerald Glover, Chairman, Board of Zoning Appeals. From: Richard D. Schultz, Planning and Zoning Administrator. Date: October 12, 2012. Re: ZBA Application #1012-1. The Shelton Planning and Zoning Commission at their October 9, 2012 meeting received and discussed pending ZBA Application #1012-1 for a use variance to allow a daycare center at property located at 7 Platt Road. This review was made pursuant to Section 4.4.5 of the Zoning Regulations. There are no comments at this time."

Mr. Glover: Alright, this letter confirms that we have complied with our responsibility to send a message, or send the application to the Planning and Zoning Commission. Attorney Anthony, can you tell us what you want to do, or what your client wants to do and why you can't conform to the zoning regulations?

Atty. Anthony: Absolutely, if I may start first to comply with the statutory requirements that you've indicated, I first have a copy of the notice which was provided to adjoining landowners Mr. Martino with a copy of the signed return receipt that was provided to him, he was provided a letter and a copy of the application.

Mr. Glover: One abutting neighbor, right?

Atty. Anthony: Well, and then the other abutting neighbor is Precision Resource which abuts the LIP zone in the rear. They were also provided with notice, there is the receipt from the post office, I have not received the return card from them.

Mr. Glover: They don't have to. They just have to be notified. Thank you.

Atty. Anthony: Also complying with the requirements, I have several pictures of the property. If I may start, this, and the property is difficult to photograph because if you visited the property it is heavily treed on either side of the property as you drive up Long Hill or Platt Road. So the first picture that I have shows the placard upon the property affixed to a tree, but that really doesn't unfortunately give you a true view of the property, because I would give you four pictures of nothing but trees. So the other additional pictures we have show the dwelling on the property, I would show the front of the dwelling, or the rear of the property, the property abutting the south side and property abutting the north side.

Mr. Glover: Thank you.

Atty. Anthony: I have the map up here but at certain times I may, if it pleases the Commission, just place it on the table so I can point out something specific, but obviously I have it for all to view. In starting my discussion and presentation, I'm actually going to take a different approach than usual, usually I would start with explaining exactly what the application is. I think today it might be a little appropriate to first state what the application is not. It is my understanding there has been a significant number of questions and concerns and even misinformation about what it is that Ms. Ulrich is seeking and what it is that she's not seeking. To make things perfectly clear, this is not a zone change. Obviously, the Zoning Board of Appeals does not vote on zone changes. So this is not an application to change the zone for this parcel of property. It's not an application to have this property considered a commercial zone, or a permanent LIP zone. As we start the application tonight, the property is a residentially zoned piece of property and at the end of the hearing, no matter what the Commission decides, it will still be a residentially zoned piece of property. Our application does not contemplate changing the existing structure at all, not even the siding, not even the color. So the building's not being knocked down, there's not some five story building going there, it's the exact same dwelling that you see today, is what's going to remain. What we are seeking and what the application is for, is to seek a variance of a provision of the zoning code. The property as we see here, I'm going to just briefly put it in front of the Commission to show you because this is the property as it currently exists, Long Hill Avenue, Platt Road, and Long Hill Avenue, Platt Road. It consists of a one story wood frame building on this corner. As you can see here at the property line, it's treed here and here along the road and that's the City of Shelton property. And here's how the property would, would end up at the end of the variance, same existing structure. Commissioner Jones read in the fact about the play area. There's a question for the zoning, the preliminary, there's a zoning requirement, variance required if it's on the street side, and it is not. So that zone variance is actually not required for this application. Same exact structure listed here with the ingress

and egress listed further down Platt Road, which I'm going to address a little further. So you may be familiar with the property, being it's at the corner of Long Hill and Platt Road. As I indicated, we're seeking a variance of the one provision of the zoning code with regard to a day care center. And I use the word day care center, but it's not going to be day care center as we would traditionally know. What it is, is going to be a before and after school care center. Typically as you know, most houses have two working parents, the parents leave to go to work in the morning, little Billy unfortunately is not getting on the bus until 9:15, what do we do? You can bring Billy to this facility, he'll be there until it's time to go to school and then after school mom doesn't come home until 5:00, what do we do with little Billy? Well, there's a facility he can go to. So it's not a full day day care, it's not a day care that's going to be going on from, all day long. It's a very specific use, which Ms. Ulrich has found is a definite need in the town for this type of facility. But when we talk about a day care facility, I think one thing we need to remember is that it's a use that's permitted in an R-1 zone. So we're not here coming in with a use that is, you know, for lack of a better analogy, we're not coming in here to put a McDonald's in an R-1 zone, and gees, that's not allowed. Day care centers are permitted in an R-1 zone. If you look at our zoning regulations, 6A, which covers day care centers, calls them family day care centers. And you might think that's grandma just taking care of their grandson, well, actually, that is a day care center for up to 6 unrelated children, and that is permitted by right in an R-1 zone. You don't have to make an application, you don't have to do a site plan, don't have to come anywhere, just open up the door and invite 6 kids in for your day care. Okay? Also, there is a, what's referred to as a group day care home or a child day care center in the zoning regulations and that is under 6B. That's also permitted by a special exception in an R-1 zone. But that requires that somebody be residing in the dwelling. And one might think, well why would you require that? Well, because it's in an R-1 zone, both of those two uses, you want to maintain some type of residential look and appeal to the property. That's why I think it's very important to note that we're not changing the building. And, that's why I point right from the beginning, the day care use is permitted in an R-1 zone. What we are seeking, and the only thing we are seeking is the variance of one line, which requires that she reside in the residence. So, in looking at that application, oh, I would also point out that 6D also allows a day care center in an LIP zone, which I would point out, that it was Ms. Ulrich's initial understanding that the LIP zone was closer through the center of her property. I'll present you with a copy of the tax map. That since has been changed as I'm told by the Zoning Administrator, that it now has been changed through graphic map, until previously, the LIP zone ran through the middle of the property that's owned by Ms. Ulrich. So, when you look at the totality of the uses allowed here, whether it's an R-1 or in the LIP zone right adjacent to it, a day care center is permitted. What we are seeking is a change of that one line that says you have to reside in there. So, let's look at the property again and talk about why it's an appropriate use. If you look at the property, it's at the corner of Long Hill Avenue and Platt Road. This is how, if you want to look at the picture here, this is a picture of coming up Platt Road, with Long Hill Avenue here, heading south toward Stratford that way, Platt Road heading down toward the Post Office that way. It's at the corner obviously of two busy roads. You have a main arterial road, Long Hill Avenue which goes across the top of the property, and you're all familiar with Long Hill Avenue, it's a feeder road to Sharon, Shelview, Spoke, down to Soundcrest, Stowe Drive through that area. Platt Road goes down to the LIP zone where you have Precision Resource, Sikorsky and other businesses down there. Businesses that have employees that could certainly use this type of facility. Across the street is the Jehovah Witness facility, a house of worship which also is permitted under an R-1 zone. So, when we look at this property it is indeed uniquely situated. You have two main roads here, you have an LIP zone behind it and on this side over here you've got a main institutional use with the house of worship. So, that kind of makes this property a little unique. Now, when we look to change that one line of the zoning code, 4.4.6, certainly I know the Commission knows their regulations well, I just like to make sure that we all have it in the record, it says that to change the zone we have to consider three things; one, that the subject property can't be reasonably developed for any permitted use within the district, and it is located because of reasons peculiar to the parcel in question which aren't equitable to the whole area as a whole. Well, I already described it's kind of a uniquely situated property here. You're at the corner of two major roads, you've got an LIP zone directly in your backyard. If you look at the tax map, it actually goes through the center of her property here. And you've got a large place of worship directly across the street. As you look at the, and there's no other property in the area certainly that is, that's, has more of those unique characteristics to it. So that makes it indeed a unique piece of property, as you begin to consider whether indeed it's appropriate to have it, the requirement that somebody reside in this piece of property. We don't believe that it does. We believe that the unique conditions of this property would give the Board basis to certainly release the residency requirement. The next requirement that we have to consider is that the requested variance is necessary to relieve the exceptional difficulty of the unusual hardship and is the minimum necessary to accomplish this. That's why I pointed out at the very beginning, we're not here for a zone change. We're not here to move the LIP up, we're not here to extend anything, we're not making it commercial. The use that we're asking for is permitted in the R-1 zone. What we're saying is that we're

asking to change the requirement of one line, for 6C that requires that you reside there. If you want to have a family day care you can do so. If you want to reside there and have a day care, if a, you want to have a family day care, you can do so. 6C is what requires the residential requirement. And so when you look at the minimum impacts, as we've said, that's the only change that we're asking for. So it's a permitted use in the area, we're asking that you relieve the residency requirement. And we're not looking to expand the house. We're not looking to knock it down, rebuild it, put in a commercial looking facility, we're looking to maintain the same facility that is there. And I guess the last part, the last part is that the requested use will not impair the existing character of the area, it will not conflict with the general purpose and intent of the regulations to conserve public health, safety, convenience, welfare or value, and things such as that. Looking at the plan that's here, I can tell you that Ms. Ulrich has gone through great plan, great pains to try to minimize any impact that possibly, we met with the Planning and Zoning office, we met with the Zoning Administrator, we went with the Chairman and they had some suggestions that they wished that, that we thought we should incorporate into our plans and Ms. Ulrich has been working on to do so. So let's look at them. If you look at Long Hill Avenue, Long Hill Avenue if you've driven by the property frankly, I couldn't get a picture of the house because it's heavily treed from here to here. And if you look at the area here that is treed

Unidentified person in audience: (unclear)

Atty. Anthony: Actually no, none of these trees are gone because they are in the City right of way. All of that stays. Ms. Ulrich has cleared some dead trees which were upon her property, which is her right to do whether she has a variance, whether she lives there, whether she chooses to, whatever she does with the property, she has cleared some trees upon her property. Looking at the Long Hill area, let me just, so we took a look at the house, we submitted the pictures of the house. The existing fascia of the house stays the same. The same vinyl siding, the same color, same everything. So as you drive down Long Hill Avenue, I think when you look at the zoning regulations the way they are because there's a, you have a strip essentially of (unclear) all LIP here. Certainly, I think one would be able to discern part of the concern was to ensure that if you drive down Long Hill Avenue it continues to look like a residential neighborhood. And Ms. Ulrich has gone through a great plans to try and ensure that that stays that way. Nothing changes with the front of the property, nothing. And egress, entry and egress come from the Platt Road side. I'll point out that the existing driveway is here, she's moved the driveway further down on Platt Road, it's taken away from Long Hill Avenue. I'll point out that any signage that's going to be here, after our discussions with Planning and Zoning, would be here on the Platt Road side. So, when you look at the totality of driving down Long Hill Avenue and whether it would have an impact visually, we're maintaining it has no impact visually because what we've done is we've placed everything toward the rear of the property in the LIP zone, the industrial area and busy road, Platt Road which has the institutional site across the way. Any other affect, I'm really not sure what to speak to because this type of use is commonly used as a more neighborhood use. If you live in White Hills and you work in Stamford, you don't drive from White Hills down to here to drop your kids off for two hours in the morning and then head to Stamford. This type of use is usually, is used mostly by people in the surrounding area, in the neighborhood, as their only way to, to work they can drop their children off at a facility close to their home. And as they come home from work, they pick their children up at a facility close to their home. So I don't see first of all, Long Hill Avenue and Platt Road I don't see how a 1500 sq. ft. facility is going to have really any type of negligible impact on the traffic that's there. So, succinctly said, we think it's a wholly appropriate application. It's a use which exists in the neighborhood already, which is permitted under the zoning regulations under certain conditions (unclear). We're asking to vary the one requirement that would require that somebody live in this piece of property at the corner of Long Hill and Platt, and as I said a church here and the LIP in the backyard. The application that has been put forward, the property is going to retain its residential appeal and actually in our opinion, serve to benefit the neighborhood. Certainly Ms. Ulrich is here, I'll be more than happy to entertain any questions, and certainly Ms. Ulrich as well, from the Commission. Mr. Matto?

Mr. Matto: I have a couple of questions. Do the children play outside in the yard?

Atty. Anthony: Well, there is a play area and if you look, if I may bring the map over directly here, the play area, if you look here at Long Hill Avenue is in the rear of the house, in the backyard of the house, toward the LIP zone, Precision Resources over here.

Mr. Matto: Is that play area fenced?

Atty. Anthony: Yes, it would be, all the other requirements such as fencing of that area would all have to meet the requirements of the State because obviously there's children upon the property

Mr. Matto: Okay

Atty. Anthony: And when you bring up issues

Mr. Matto: so that they're safe when they're outside

Atty. Anthony: Yes

Mr. Matto: and inside or whatever, well I'm sure they're safe there. That was my only concern because if they ran around that corner there, they could get, well, they could get hurt

Atty. Anthony: and the property has a pitch to it, so, all of the activity is going to be

Mr. Matto: it's upgrade

Atty. Anthony: is going to be up, is inside the house and behind the house. And remember, the children aren't there all day long. It's a limited time. You're going to have some children there for a couple hours in the morning and some children for a couple hours in the afternoon depending on the parents' schedule. This isn't a facility where you have a child that's there from 7:00 in the morning and there until 6:00 at night. It's a very limited use.

Mr. Matto: Yeah

Mr. Cavallaro: How, how are the kids going to be transported to and from school?

Atty. Anthony: Well, there's two different types of those. One way is that there's a van that goes right to Long Hill School, which obviously as you go down Long Hill Avenue is here. And that certainly cuts down on the traffic there because parents will come and drop their kids off and there's a van that directly transports them directly to the school.

Mr. Cavallaro: a van or bus?

Atty. Anthony: a van

Ms. Ulrich: actually, a bus to Long Hill School

Atty. Anthony: a bus to Long Hill School, thank you, that's why she's here

Mr. Matto: well you mentioned many times that it's, it's zoned okay for that so

Atty. Anthony: Well, it's zoned for a day care use, and it's required that she reside on the property, and we've explained as to why we don't think it's appropriate to have this continue as a residential property on this corner like this, and to just allow the day care use

Mr. Matto: In other words, she lives there, resides there, means she lives there?

Atty. Anthony: right

Mr. Matto: Okay

Atty. Anthony: But Mr. Matto, I will first point out, she's not going to reside there, but it's going to retain the same character of a dwelling. As we said, it's going to look just like the houses as you go up and down the road, just nobody is going to be living there, which of course that means that nobody is there for most of the day and nobody's there on Saturday and nobody is there is Sunday.

Mr. Cavallaro: It's certainly not out of character for a school bus to be in a residential neighborhood, so

Mr. Conklin: the back half of the property which does, abut the R-1 zone, (unclear)

Atty. Anthony: LIP's in the back, well it would be the side

Mr. Conklin: continuation down Long Hill Avenue, that would be, this is a residential house here

Atty. Anthony: correct

Mr. Conklin: are there going to any plantings down along that property line?

Atty. Anthony: Well, when we met with Planning and Zoning Ms. Ulrich has indicated that she's more than happy to talk to the neighbor and consider whatever plantings may be, whether it be some type of arborvitae, whether it be some type of fencing. She's more than willing to discuss that and that's part of what we discussed with a site plan review when we sat down with Planning and Zoning. She's more than willing to accommodate in that way.

Mr. Glover: Obviously there's city water and city sewers?

Atty. Anthony: Yes

Mr. Cavallaro: What hours, you're saying a couple hours in the morning and a couple hours at night, I mean what's the maximum starting and maximum ending time?

Atty. Anthony: Well, Ms. UIrich is here, but typically 7-9 and 4-6, is that correct

Ms. Ulrich: yes, and the children will only be 5 years old to 12 years old. We wouldn't need any fence for toddlers or pre-schoolers, there

Mr. Glover: Did you get her name?

Clerk; No

Ms. Ulrich: I'm Deborah Ulrich

Mr. Glover: Your address?

Ms. Ulrich: 9 Allyndale Court, Shelton.

Atty. Anthony: Was there any other questions we could certainly address? Thank you all very much

Mr. Glover: Fred, before you go away, would your client agree that it always stay a residential structure, looking as if it's a residential, I understand that if we grant the variance it's going to stay that way, but 3, 4, 5, 6 years from now when she may be as successful or more successful, would she agree to a stipulation that the building stays the same?

Ms. Ulrich: Absolutely,

(several talking at once)

Clerk: I didn't catch what she said

Ms. Ulrich: Oh, my signature will be right next to that statement, I have no problem with that

Atty. Anthony: and I'll point out if looked at a previous version of the plan as well, that we had, and part of the question is whether we're going to have a second egress and there was a question with Planning and Zoning as to why it may be better to have one or to two, but as I discussed with the Planning Consultant and

Planning Administrator, we're more than willing to accommodate any way as they see is the best fit on the property

Mr. Glover: yep

Atty. Anthony: from an impact

Mr. Glover: They're required to do a site plan anyway for Planning and Zoning

Atty. Anthony: Uh, I believe there's a site plan required, yes

Mr. Glover: Are they required to have another hearing?

Atty. Anthony: No

Mr. Glover: Jamie?

Mr. Jones: How many students would be capacity for

Atty. Anthony: total capacity, because of the size of the building in part we're limited, would be 30. And, but that wouldn't say there'd be 30 kids there at each time, depending on the breakdown you might end up having 15 in the morning and 25 in the afternoon or vice versa, depending on the usage. But again, they're not there all day long it's for the morning and afternoon

Mr. Glover: Any other questions?

Mr. Conklin: Yes, summer? What's going to happen during the summer? Do you close down this facility during the summer?

Mr. Ulrich: Well, it would be a, again it's a 5-12 year old program, so we would have a summer camp program; however, the 5-12 year olds are considered campers and we do have off site facilities that they go to at least three times a day, so it would be almost like the same thing, they're hardly ever there, because three times they go either swimming or they'll go to different locations obviously which are not on, obviously thre's no swimming on the property, but other locations where they'd be doing other things, and that's only for the months of July and August really, because June children, they don't get out of school until the last week of June

Mr. Glover: Any other questions?

Atty. Anthony: Mr. Glover, one other thing, I understand that there was a petition that had gone around and I won't speak for Ms. Ulrich, but several people came to her because they were under the understanding that there was a zone change (unclear) under, in a very short (unclear) I had several people who said, gees, I didn't realize what you were doing or not, I don't mind signing a petition if that's indeed what you're doing, and we have our own petition with some names, and certainly a good number from the neighborhood, Broc Terrace, Spoke Drive down the road, Long Hill Avenue, Wopowog, Karen Drive, Broc Terrace, so we'll also submit that. I'm not a big believer in petitions, but Ms. Ulrich went to the trouble of having some people sign it so I'd like to submit it as well.

Mr. Glover: Both pages are the same, they're both?

Atty. Anthony: yes

Mr. Glover: Jamie, would you read this into the record

Mr. Jones: Okay there's a petition submitted "7 Platt Road, Shelton, CT – To place a Before and After school program in this location. I understand that the said site going for a variance change and that all the parking and playground use will be on Platt Road – keeping the front yard and the house exactly the same as it is now. I understand and support the variance change." Signed Tina Tobin, 57 Broc Terrace, Laura Ercole, 31 Astor Drive, and there is a total of 20, 18 more names after that.

Mr. Glover: Alright, is there anyone in this room, other than the applicant or her counsel, who is in favor of this application? Anyone who is in favor of the application? (no response) Alright, before we get into the opposition to the application, in a minute I'm going to ask who's opposed. You will raise your hand. I will recognize you. You'll come up here and give your name and address and tell us what your opposition is. At all times, you will be talking to the people at this table, you're not having any discussion with these two people over here. And they're not having any discussion with you. It's not correct. At the end of the opposition, when everybody is finished speaking, the applicant will have a final rebuttal, that she can rebut the things that you say. When he's finished rebutting it will be over. He's the applicant so he has the final word. So, you'll make your opposition, he'll rebut, and then if we take anymore opposition, which I hope we don't, he'll get to rebut again. He's always going to have, they're always going to have the last say because they're the applicant. Alright, in opposition, we have two letters?

Clerk: Let's see, they're with the application

Mr. Glover: Alright, we have one letter which we'll read into the record.

Mr. Jones read letter: "Shelton, October 16, 2012. To: Zoning Board of Appeals, c/o Gerry Glover, City of Shelton, 54 Hill Street, Shelton, CT 06484. RE: Property at 7 Platt Road (corner with Long Hill Avenue), 0.62 Acres – Map 64 – Lot 8, Request for a Certificate of Approval for a Variance for a Day Care. To: Members of the Zoning Board of Appeals. The variance requested for this lot has the residence of Long Hill Avenue **very concerned**. Kid's Zone Realty needs a variance for the Permitted Uses (Section 6.3) and a variance to allow a play area to be established within the prescribed setback. The parcel is in R-1 with a portion designed as LIP. That portion was established to provide a buffer between the R-1 residential and Light Industrial Park. The city must stand firm to protect this buffer. There can be **NO HARDSHIP** in a situation where the applicant purchased the property knowing the zoning in place and then "discovering" there is insufficient room for the project at hand. The fact that they have already begun clearing the property of trees shows great contempt regulations and presumption of ZBA approval. **IT SHOULD NOT BE APPROVED BY THE ZBA**. Our neighborhood has fought against an asphalt plan on Todd Road, a gas station and 24-hour convenience store where Constitution Park now exists, and too many smaller incremental attacks by greedy land owners who want to satisfy their need for profits to the detriment of the community. This is just another in a long string of bad projects that must be denied to maintain and protect our neighborhoods. The buffer zone is precisely there to protect the residential from the LIP. Why would you dismantle the protection zone? This is a bad precedent. If not denied, more instances will come later. The City must fight to keep the buffer zone and stand for its zoning regulations, not chip away at them. I solemnly request that the **Zoning Board of Appeals deny this request for variance** by Kids Zone Realty. Thank you. Sincerely yours, Regis J. Dognin, 342 Long Hill Avenue, Shelton, CT 06484."

Mr. Glover: I have another letter in opposition which is from John Anglace, so

Mr. Anglace: I'll read it

Mr. Glover: So, let's recognize you right now, and you can come up and, you're in opposition, correct?

Mr. Anglace: right, yeah

Mr. Glover: Can you come forward John, so we can pick

Mr. Anglace: you want me to come up

Mr. Glover: Come sit down

Mr. Anglace: at the front?

Mr. Glover: Yeah, please

Mr. Anglace: Am I supposed to sit down?

Mr. Glover: Yes, you can sit down.

Mr. Anglace: (unclear) to stand and walk around

Mr. Glover: You can do whatever you please as long as we can hear you on the tape recorder.

Mr. Anglace: Alright, thank you very much

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

Mr. Anglace: John Anglace, 676 Long Hill Avenue, Shelton

Mr. Glover: Thank you

Mr. Anglace: Incidentally, I'm the alderman in that ward and that's in my ward. Across the street is not in my ward, but on that side of the street, it's in my ward. I want to make a few comments before I read my prepared statement, based on what counsel said a few minutes ago. There's no zone change, no building change, and no guarantees that that won't happen in the future (unclear) and they're not changing the character or the use, but I beg to differ. Maybe it's still going to be a house, but the use is going to change. You're going to have buses going in there and you didn't have buses stopping every (unclear). You're going to have added traffic there than it had before. Another thing that's, very seldom thought of, you go up right now and you look at the present day care center on Long Hill Cross Road, you will see that beautifully illuminated. This is a change in the character of the neighborhood, is it not? You don't see any lights on this property right now, do you? But you will see them there because they're going to have to have them if you're going to put kids in and take kids out, buses in and buses out, because it's going to get dark earlier. So there definitely is a visual impact and a visual change. Address the issue of permitted use. I'm not so sure that I read the regulations the same way that I heard a few minutes ago. When you talk about and say that day cares are permitted in an R-1 zone, it's very restrictive. You must live there to have a day care in an R-1 zone, the owner of the property must live there. The other thing is if you do have it, who controls the building, who controls changes in the building once you change the use of the building to a day care, that could happen on this site. So um, imagine 30 occupants, 30 students, plus people who work there, plus people that service, that's a change, that's a change in the use. All this goes against the original intent that Planning and Zoning came up with when they set the zoning standards for this area. We, yes we wanted to develop the Route 8 corridor, but we wanted also at some point to protect and to provide the buffer zone for the residential area. This is in that buffer zone and this is just not acceptable. Let me, instead of just commenting on, let me read what I wrote.

Mr. Anglace read: I am not in favor of granting this certificate of approval for a Daycare Center locate don't he property at 7 Platt Road. I am not in favor of granting a variance in the permitted uses 6.3 and I am not in favor of granting a variance to allow a play area within the setback. The proposed use of this property is not permitted in an R-1 zone. Our zoning regulations were specifically crafted to create a buffer and protect the integrity of the R-1 residential neighborhood. To allow a business, any business, to operate within the confines of the R-1 buffer zone changes the rules of the game; rules that have been in place for many years and rules that have been acted upon in good faith by many who invested their life savings to purchase homes in an area thought to be protected from commercial or industrial expansion. Granting such a variance also leaves open future requests to further expand this site to include the R-1 property next door or other R-1 property along Long Hill Avenue. In addition, the creation of this business site through variance adds another unfavorable traffic dimension to an already congested Platt Road and Long Hill Avenue intersection. There is no hardship associated with this proposal. I would counter any such claim with the fact that the applicant purchased the property knowing full well the zoning requirements. Consequently, one can only assume that any such claim of hardship is self created. While the proposal for this site is wrong, such a use would be proper in other zones such as commercial and/or industrial where there is ample opportunity for such a business. Why then would anyone knowingly seek to encroach upon the tranquility of a residential neighborhood? I ask that you not take the petition of the residents lightly as it seeks to protect the integrity and investment of many existing families as well as the integrity of our zoning regulations. This is a significant issue for, if you grant the application, you effectively destroy our zoning regulations. I leave you with the thought that you were appointed to protect our zoning laws, not to find ways to circumvent them. I ask that you act to deny this petition tonight… THANK YOU!"

Mr. Glover: John, did you have a petition?

Mr. Anglace: what?

Mr. Glover: Do you have a petition?

Mr. Anglace: No

Mr. Glover: okay

Mr. Anglace: I mean the petition, whether it's in writing, they're here to speak against it

Mr. Glover: Alright, sir?

Mr. Martino: How are you doing? My name is Lou Martino, I own the property next door to this, 453 Long Hill Avenue, and not to waste time, I don't want to repeat everything that he said, but I totally agree with that. And I'm the one, I have the petition, should I read it, or can I present it to you

Mr. Glover: No, you can read it

Mr. Martino: It just says here, petition summary, The new property owners at 7 Platt Road have applied for a certificate of approval for a day care center which requires a variance in permitted uses and a variance to allow a play area in a setback. We the undersigned, are completely and totally against it for the following reasons: 1. This is a residential neighborhood, with a clear boundary to the commercial area of Forest Parkway. Allowing a commercial business to operate here would invalidate the zoning regulations put into place for our protection and degrade our property values. 2. A day care center is not compatible with the character of the surrounding area. It would blemish the existing character of the area and have a significant adverse impact on the general welfare of the neighborhood, by creating blight, more traffic and congestion, noise, etc. 3. This would set a precedent for others on the border of zoning districts. 4. There is no inordinate economic burden on the property owner to justify these variances.

Mr. Martino: I walked with my wife around the general area of where we live and every single person who answered the door signed it. So that's

Mr. Glover: How many signatures are there?

Mr. Martin: How many signatures total, let's see, 14

Mr. Glover: 14, okay.

Mr. Martino: And not only that, I had an evaluation done by William Raveis and I'll read the letter that they had prepared for me. "To whom it may concern and the land use Committee: I am writing this letter to specifically address my clients concern regarding the variance request in regards to the property bordering 453 Long Hill Avenue. The owners of 453 Long Hill Avenue have asked that I put in writing the effect a land variance would have upon the value of their real estate property. Upon purchase of their home Louis and Beth Martino were aware of the industrial zoning directly behind their home, and the purchase price of the home was priced accordingly. The rest of the bordering properties are in an R-1 zoning, providing a residential environment. It came to their attention that a request was made that a variance be allowed by the Land Use Committee of Shelton CT. A variance of this type would adversely affect the residential neighborhood, and it would also greatly diminish the value of the bordering property, 453 Long Hill Avenue. The variance requested is consistent with commercial zoning, and should not be permitted with the R-1 zoning. This client would not only lose value in their home due to the non-conforming property that would be bordering it, it would be difficult to sell as well. They would list their home as a residential single family home, and need to explain that the town allowed a variance which would allow essentially a commercial property next door. This is very difficult to explain to any potential buyers as a real estate agent. The town has placed these zoning boundaries to protect the homeowners of Shelton. If this variance is allowed it would adversely affect these homeowners on a financial basis. If you need any information or documentation please feel to contact me. Regards, Lynn Stone, Licensed Real Estate Agent."

Mr. Glover: Thank you.

Mr. Martino: And like the Alderman said, we're worried about the future changes that could be made to the property and specifically we're concerned about the setback so they can put a playground in the setback. You would think that they're putting a commercial property in a residential area you would have more area rather than less. I would compare it to the United Methodist playground down the street. They have well over 100 feet between the town's, so

Mr. Glover: Thank you. Anyone else in opposition? Would you come forward please? Please give your name and address

Mrs. Martino: Marybeth Martino, 453 Long Hill Avenue. I'm also the owner of 453 Long Hill Avenue with my husband. I just want to say on the record that I agree upon that he stated and you know, while we do support adding businesses to the community, we certainly just don't think this is the right location and you know, it is a residential neighborhood and traffic and noise and you know, viewing a playground in the back of our very private wooded area would just cause um, significant, you know, visual and safety concerns for our neighborhood. So I just um, you know, apologize that you know, this is not something that we're in support of at this time. And future changes are definitely a concern

Mr. Glover: Thank you. Anybody else? Come forward sir. Please give your name and address

Mr. Ligi: My name is Mike Ligi, 34 Shelview Drive

Clerk: Could you spell your last name please?

Mr. Ligi: L-I-G-I. I live around the corner and also occupy another residence on Long Hill Avenue as well. I have a problem with this variance being given to them based on the fact that I'm a businessman myself. And if that's the case that if you guys grant someone, anyone, a change like this, I'm looking to buy property on Long Hill myself and put some other businesses in too. And I would like to have some opportunity to do a variance changes myself. So, I mean, that's why I'm here tonight, I mean if this is going to be granted then I'm going to look to buy other properties too and do the same thing, so that maybe we could take and turn Long Hill into Long Hill Cross or other areas like that. I mean, I'm not saying it to be sarcastic, but I mean, if this is what's going to happen to our neighborhood, that we purchased and we live in an area that's beautiful and it's nice, then I mean, that's

Tape ran out

Clerk: Hold on, hold on

Mr. Ligi: I'm Sorry

Mr. Glover: No problem, we just have to make sure we get everything. Okay?

Clerk: Yep

Mr. Glover: Go ahead.

Mr. Ligi: If one person is going to be allowed to do it, I'm a builder and developer myself, a plumber. So I mean I would love to go in and do other, have other avenues as well as her. I mean I know the petitioner here has another business on Long Hill Cross that she took a house that was a home and turned it into a big red school building, you know big red eye sore. I mean, it's a school house naturally. I mean, and that's why I'm concerned on what's going to happen over here as far as added traffic, there's no lights there on Platt, there's a stop sign. You know, I have four children of my own and to come in and out of there in the morning it's pretty hard when there's traffic coming (unclear) So, these are my issues. And again I'll second Mr. Anglace's statement and third this gentleman here's and that's how I feel. I feel like it's going to diminish, diminish I should say, all our housing values and you know, it's going to be a thing that's going to make people want to come and do the same thing. That's all. Thank you.

Mr. Glover: Thank you. Yes Ma'am?

Ms. Waters: Good evening

Mr. Glover: good evening

Ms. Waters: Ingrid Waters, 261 Long Hill Cross Road. I agree with everything that Alderman John Anglace stated and I'd like to add the following. People move to this part of Shelton because they're assured that they live in an R-1 zone that will remain R-1 and cannot be changed in any which way. Well we have just seen the opposite again and again happening over the years, which destroyed the character of this part of town already. Changing R-1 zoning for anything else for the benefit of profit must be stopped today and not tomorrow because tomorrow will be too late to save the residential character of this part of our town. Thank you.

Mr. Glover: Thank you. Dave?

Mr. Toth: My name is David Toth, 446 Long Hill Avenue, Shelton. I just oppose having the day care put in. Mr. Anthony said that for the R-1 it's up to 6 children, but, you're talking about 30 which exceeds the amount allowed. The summer months there will be children there all day long which wasn't taken into consideration. I just don't feel that Long Hill Avenue and Platt is the place for a day care.

Mr. Glover: Where do, where do you live in reference to this?

Mr. Toth: I'm right across the street

Mr. Glover: Thank you. Anyone else in opposition? (yes) Come on forward.

Ms. Lapinsky: My name is Laura DeFilippo Lapinsky and I'm from 7 Chucta Road in Seymour, CT. And I'm the owner of Wonder Years Learning Center on Long Hill Avenue and I oppose another day care center as we already have a day care center on Long Hill Avenue. The Board of Education allowed the Sunnyside School to put in a before and after school program from the YMCA which completely decimated my before and after school program and I have spent the last couple years building it back up again. I run a very wonderful program and I am the neighborhood school and I do have a bus that comes to my school. So I'm opposed to having another day care center in the neighborhood, we already have 3, really 4 in very close proximity to my business and I've already been there for 10 years. My other comment after being here is, after being in the business for 30 years my understanding is that a home day care, a family day care or a group day care can be in an R-1, but a child day care center I have been told many times by the zoning board has to be in a commercial zone. I've looked at properties myself and I've been refused by the Board because they were in residential areas and I never even considered going for a variance because that's the rule. You know, a residential area isn't really inherent for a day care center. I was allowed it because I'm in a church building which is allowed in the R-1, I'm not in a home, I'm in a church building (unclear) That's all I have to say.

Mr. Glover: Thank you. Would you come up?

Mrs. Toth: My name is Claire Toth, I live at 446 Long Hill Avenue

Mr. Glover: Hang on, give your name again?

Mrs. Toth: Claire Toth and I'm opposed to it basically for the traffic. I think that the intersection of Platt Road and Long Hill Avenue is very dangerous. Since my husband and I have lived in our house there have been several major accidents where ambulance have been called to the scene, not to mention there's a lot of traffic during rush hour from businesses on Forest Parkway, everyone turns on Platt Road onto Long Hill Avenue to get onto Route 8. So there is just a lot of traffic there. I just think it's a very dangerous area to have a day care with all these children.

Mr. Glover: Okay, Thank you. Anyone else? Why not.

Mrs. Yamnicky. My name is Janet Yamnicky and I live at 428 Long Hill Avenue for the past 50 years.

Mr. Glover: Do you need the spelling?

Clerk: Please

Mr. Glover: Would you spell your last name please?

Mrs. Yamnicky: Y-A-M-N-I-C-K-Y

Mr. Glover: Thank you

Mrs. Yamnicky: and I've seen Long Hill Avenue turned from basically a farm road to this mass transit highway that runs from Constitution Boulevard to Sikorsky's down in Stratford. The traffic already is horrendous between 7 in the morning and 9, when children would be going to school. I'm just thinking this extra traffic, because now if you have children from ages 7 to 12 that means some of them are going to be going to Long Hill School, but some of them are going to be going to Perry Hill School. So you're going to have extra buses going down Platt Road, you might not have going, so they have to be routed in that direction. It just seems to me that the R-1 zone should stay an R-1 zone and if somebody wants to run day care, that's fine, but they should live in the house. Also I'm concerned, I hear this driveway is going to be moved and so forth, that intersection of Platt Road and Long Hill Avenue can get backed up almost all the way down to um,

Mr. Glover: Forest?

Mrs. Yamnicky: Forest Parkway when Sikorsky's is letting out. Now Sikorsky's lets out at 3. The schools let out at 3. You're going to have school buses, plus all the Sikorsky traffic. I just see a horrendous situation there. And also if you're going to have all these kids coming and going are you going to be building parking lots on this property. Is that going to affect the drainage of the property, because that is a wet area? So, that's, that's my concerns.

Mr. Glover: Thank you.

Ms. Evans: Lori Evans, 428 Long Hill Avenue. And since I, I grew up here in this town too, in the same house, and I've seen the area just compromised over and over and over again. I don't believe, having a daughter myself who was in before care and after care, that institution was open the entire day and there were kids in an out of that institution the entire day. Especially during the summer it is really hard to believe that there'd be no children on the property three days out of the week, that they'd be out of the building for 12 hours a day. I don't believe that. And the vacations that they get in school as well, so I think they're misrepresenting what they're actually going to be doing there by saying that the kids are not going to be there all day long. There's going to be kids there all day long, if it's a snow day, if it's a holiday, regardless the traffic is unbearable. I'm right on Long Hill Avenue and I can't rake my leaves for fear of being run over. What we don't need is more traffic on that road. To my neighbors I would say this, I have watched them take that house and just, it's just metamorphasized into this beautiful property. They have been working so hard, so diligently and then I see a day care center setting, and I also agree that you can't tell me they aren't going to put up some type of flood lighting or heavy lighting so that people can see where they're going to pick up there kids. And there's got to be a parking area if you're picking up your children. How can you not change the existing property and have, 30 parents potentially picking up their children at the same time. I don't see how that could happen. So, having lived in the area, having seen what has been done in the past, and seeing how hard some of my neighbors are working, you know, the other businesses are working, I don't, I too don't want anybody to be out of business, but I don't think this is the right place. I don't think changing the codes would be helpful to the neighborhood at this time. And just to point out the church was mentioned a couple of times as far as our neighboring the Jehovah's Witness, that's a nonprofit organization and they keep their building very clean, very put together and I think it's a little different than for profit organization. So, that's it

Mr. Glover: Thank you. Anyone else? Last call for opposition? Yes?

Mrs. Waters: I spoke before, I'd just like to add the traffic, Ingrid Waters, I'm on the (unclear)

Clerk: the who?

Mr. Glover: Anti litter committee

Mrs. Waters: all the Shelton streets. One of my spots is Platt Road, even though Mike Clay adopted it, but we help each other. I was there today, the traffic was tremendous and I wear a safety vest and I have a very hard time maneuvering this street. The same as Long Hill Avenue. Long Hill Avenue has turned into a highway. The people think nothing of going 60 mph, that's a, I would say that's a given in certain areas. I don't know why (unclear) but they do. A day care with buses coming in and out, parents coming in out in the morning, at night maybe, many times school will close early. It's not suitable for the existing neighbors or for the day care because you're adding tremendous traffic which we have already and in this part of Shelton cannot take in another car or school bus. We are saturated, overcrowded with traffic on the roads. Thank you.

Mr. Glover: Thank you. Attorney Anthony, your turn?

Atty. Anthony: Thank you. Certainly some of the concerns the neighbors have brought up are certainly well appreciated by Ms. Ulrich and have, she's tried to make her plans accommodate them as best that they can. I'm not going to try to rehash my entire presentation but I think it's important to determine what this is and what it's not, because somebody mentioned oh there's another day care facility. This isn't another day care facility that, this is in this residential dwelling as (unclear). So when somebody talked about, oh you know they're going to bring businesses in, gees, we fought an asphalt plant, we fought a convenience store, well those require a zone change and there's no ability to have an asphalt plant or a convenience store in an R-1. There is, and people said gees, you know the zoning regulations, well I have the zoning regulations. 6a, the family day care home, serving not more than 6 unrelated persons as defined by the Connecticut General Statutes, E, permitted. So if I have three family members, actually if I have 10 family members and 6 non, I could have that, it's permitted. Then, a group day care center or a child day care center, when such use is conducted in a dwelling unit, well actually it is in a dwelling unit because we're not changing the building, it's not a commercial building, is also in an R-1 zone. That's what the zoning regulation say. This is not about an asphalt plant, it's not about convenience stores. We understand that, Ms. Ulrich understands that, that this isn't a convenience store, this is a facility where there's children, just like a house next door might have children. Just like a school up the road has children. Just like, as you heard a day care center that's right up the road. Right up the road which has, I believe, many more kids than Ms. Ulrich is seeking. So, let's keep this to what this is. It's not a zone change, and people talk about well what about the precedent, what about if somebody files something, well somebody can always file something else. All we're discussing is what we have today and what we're doing today. And what we're doing today is keeping the existing building and to allow the day care use. And to allow, which is permitted without her residing in it. Because if she resides in it we don't have this conversation with the zoning board of appeals. So why is there a hardship to reside in it , and someone said you know, they bought the property. Well, unless you bought your property before the zoning regulations came in 1940 and change, everybody's bought their property since then and we have hearings every single month because people apply for variances. Why? Because conditions change. You've heard the neighbors say that, gees, I remember when this was all farm land and this and that, well, it's not all farm land anymore. There wasn't an LIP behind you in your backyard before. There wasn't Long Hill Avenue, Platt Road, there wasn't, the conditions of this property have changed and not made it suitable for a dwelling use. The conditions of this property have changed and the hardship is because of not anything caused by Mrs. Petruzello. She didn't put the LIP zone in behind it, she didn't put Precision Resources in and the Post Office here. She didn't put the church over here. She didn't change any of that. So it's not a self created hardship, so that's again is kind of a red herring. It's conditions upon the property as they exist. So, again, what's relevant to what we have and what's not. You know, somebody brought up a good question about well gees, what about the lights. Actually, that's an excellent question, that was part of what we discussed at our Planning and Zoning review and would be more than happy to talk to the neighbors, but the light that was planned to put on the property is actually here on the corner on the Platt Road side, away from Long Hill Avenue, away from any of the adjoining neighbors, over here. Because if you look, all of the parking is put over here on the Platt Road side, not on the Long Hill Ave. side, not on this side here. I indicated at the very beginning of the hearing, the play area variance is not necessary, it's permitted under the regulations. The only regulation that we have regarding the play area said that if you have a play area it must be off of the street setback. The street setback is here. All the way over here. The play area is in the backyard. So that's why I said at the very beginning, the Board has to take no action on that variance because it's not required. I think the neighbors bring up a good point when you talk about well it's a buffer. Well, that's exactly what this type of property is, is a buffer. Because you have residential, you have commercial. A buffer is something that is able to meld the two together. That's why this is considered a buffer and that's why as you look at it from the Long Hill side here, you see a house. A perfect buffer on the property. And as you view it from the

LIP side here it doesn't affect the LIP side. It doesn't have any visual impact (unclear). And I can't address something that the real estate agent wrote in a letter, because as an attorney, I'm used to having somebody here and asking them questions. I mean obviously the question I would ask is, so let me understand this, because somebody has a house that they have children in 5 days a week that has a greater impact on the property than the LIP zone in your backyard. I believe what the real estate letter said was, the property was already affected in its value because of the LIP zone. I'm not sure how the realtor came to the conclusion that by taking the existing structure and having a use that's permitted under the zoning regulations, because I'm not sure that if, so if somebody had a family day care there if it would affect the value, but again, it's hard to address that because the person's not here. They wrote a letter, they certainly gave their opinion, which we certainly we understand they're entitled to. And again, people have talked about well you're changing, we're not changing the zone. Also, what I thought was interesting is that one of the opposition is from a competing business owner who has a day care down the road. A competing business owner with a day care down the road. So

outburst from audience

Mr. Glover: Whoa, whoa, stop, you have to stop now. It's his floor, when he's through if the Board has no more questions of him, then we'll be through. The Board has heard what he says, heard what you said, when he's through the Board will have the opportunity to vote on it, whether we think it's appropriate or not. The time for opposition is over, and the time for him to rebut is now. And the time for you to listen is now, whether you agree with

Mr. Anglace: Can we have one more shot?

Mr. Glover: No, John, we're done.

Atty. Anthony: so as I said certainly, we understand the concerns of a competing business owner that this may have a financial impact on my business, but again, so when we say, oh we don't have a day care in an R-1 zone, we do. It exists right up the road, in that facility there. Which, ironically, that would also mean that right across the street from this property you could put in the same type of day care use, right across the street, the same thing, just like at the United Methodist, you could potentially put it in the Jehova Witness, run by a private individual. But we're not doing that. We're taking an existing building that we have here and doing a much smaller scale operation than what exists down the road. And certainly, as I said, we understand some of the concerns of the neighbors and ironically, I grew up off Long Hill Avenue myself. I understand the changes in the area, but to say that this project is going to have a negligible impact on traffic, I'm not sure how we get that. Well, there's going to be school buses. That's right, there's going to be a school bus that comes for this property. I wouldn't hazard a guess how many come from Long Hill Avenue, right down the road, I'm sure it's more than one. I'm sure there's one that goes to other facilities in the area as well, and again, the traffic spills onto Platt Road, which was by design to try again to minimize the impact. So, although certainly we appreciate the concerns of the neighbors, most notably that gees, what if something else comes in here. Certainly I think that's a concern that every neighbor would have, but unfortunately we can't address that in our application because we're not here asking for anything else. And if someone wants to ask for something else, they can come down the road and ask for it no matter who owns this property, this property, or that property. We have to be concerned with the application we have today. And the application today, based upon the unique conditions of this property indeed make it an appropriate use to allow this use which is already permitted without the condition, because of the way the property is situated. I thank you all for your time. I thank all the neighbors for coming out to voice their opinions and make sure that their voices are heard and I appreciate your (unclear) Thank you.

Mr. Glover: Does the Board have any questions for the applicant?

Mr. Cavallaro: The one concern I have is that if you're going to have 30 kids and they're all going to be dropped off and picked up at similar times, how many parking spaces are there? 5, plus two handicapped?

Atty. Anthony: total parking spaces, if you look here actually potentially would be for up to 14. And those are mostly for drop off and potentially for staff.

Clerk: Don't cover the mic

Mr. Glover: You're going to get us in trouble here

Atty. Anthony: And as again, they're all behind the current driveway and they're all blocked from Long Hill Avenue and go into Platt Road. Again, it's a valid concern, and a valid question that people should have and as I said, that's why Mrs. Petruzello tired to alleviate the impact as much as she can, because, to do the minimum necessary. Any other questions?

Mr. Glover: Any final questions from the Board?

Mr. Jones: How many staff are expected to be here?

Ms. Ulrich: 4 total, it's a 10 to 1 ratio with children over the age of 3

Mr. Jones: and what experience do you have running

Ms. Ulrich: Myself?

Mr. Jones: Yeah

Ms. Ulrich: I have 20 years experience running a day care center. I have a degree in early childhood education, and as I always joke, I always say that all means nothing, I have four children of my own. I have two teenagers and two under the age of 10.

Mr. Glover: When did you purchase the property?

Ms. Ulrich: 7 Platt? I have the exact date, um

Atty. Anthony: it was September first

Mr. Glover: This year?

Atty. Anthony: Yes, oh, I apologize, it's listed on the back here, September 6 was when the deed was signed. I believe the closing took place the day after.

Mr. Glover: Alright, any other questions from the Board? (no) Then I'll declare this hearing closed. Thank you very much.

Atty. Anthony: Thank you.

Ms. Ulrich: Thank you.

Mr. Glover: I think there's been a lot of material thrown on the table tonight, both from the attorney and from the neighbors. I think to be fair to everyone I think we should table this decision, read through the, re-read the testimony, go and visit the site if you have not visited the site. I have. But go and visit the site and we will reconvene on the third Tuesday in November and decide, which is the third Tuesday in November our next meeting, and make our decision then. Would someone make a motion to that affect?

Mr. Cavallaro: I'll make the motion.

Mr. Glover: Can I have a second?

Mr. Conklin: Second

Mr. Glover: All in favor? (unanimous "aye") Thank you for your participation.

Approval of Minutes

Later that evening during the work session the Board, upon motion by Commissioner Jones and seconded by Commissioner Cavallaro, unanimously voted to accept and approve the minutes of the September 18, 2012 hearing as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk