

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, September 21, 2010 at 7:30pm

AGENDA:

- #810-1 Joseph Dignartino at 22 Rodia Ridge Road
- #910-1 Barry Mucci at 207 Dickinson Drive
- #910-2 J&D Country Builders, LLC at 71 Lane Street
- #910-3 Claire & Rui Gloria at 49 Hiawatha Trail

Mr. Glover: Good evening ladies and gentlemen and welcome to the September meeting of the Shelton Zoning Board of Appeals. We meet monthly to go over appeals and variances. When you speak in front of us it is a, you're giving testimony, these are hearings. I would appreciate it if while you are in the hall you would not have conversations; that you turn off your cells phones. We record everything and then later on Lori will transcribe it and this space age technology that we have will pick up conversations and will garble the record and we won't have a clear record. So please if you want to have a conversation, go out in the hall, we'll call you when we're ready. Everybody will get a chance to talk tonight when it's appropriate. I will run the meeting and I will let you know when it's appropriate. Our regulations require that you have posted your property, that you have pictures of your property and that you have notified your abutting neighbors by certified mail. When you come up for your hearing I will be asking for the pictures and for the receipts from the mailings and if you have them we can continue, if you don't we will continue the hearing until next month when you can bring them. All the way to my left tonight is Commissioner Ralph Matto. Next to Ralph is Commissioner Linda Adanti. Lori Michalak is our very capable Clerk. I'm Gerry Glover, I Chair the Commission. To my right is Ed Conklin and to his right is Commissioner Phil Cavallaro. Before we start tonight, we have one member, actually we have two members, but we have one member who is not here tonight. Jack Fitzgerald has been a member of this Board for probably 15 years and he has resigned his commission. He has been a very dependable, very stable, a very good contributor to the Board. He is and has been a professional engineer and his expertise has come in, has really been good for the Board and good for the town. This as you may know, is a volunteer appointed Commission and his commitment of 15 years deserves the thanks of the City and the Board and I thank him and sadly say goodbye to him on behalf of the Board. Before we start our first hearing, I'd like to skip to the bottom of the agenda, the possible decision on Jacqueline Cable, 8 Cots Street, who has an appeal against the Zoning Enforcement Officer regarding a detached structure located on the property of Rick Plante on 12 Cots Street. This is a matter that was heard in June and July and we have the people here to vote on it tonight, the correct number, and so I'd like the Board to consider the, this appeal tonight before we start the new hearings.

**#610-1 12 Cots Street**, Jacqueline S. Cable of 8 Cots Street, Shelton, CT is appealing a decision by ZEO regarding at detached structure at 12 Cots Street.

The Board, upon motion by Commissioner Conklin and seconded by Commissioner Adanti, unanimously voted to sustain the appeal and to refer the matter to the Zoning Administrator to bring the structure into compliance with the zoning regulations of the City of Shelton.

**#810-1 22 Rodia Ridge Road**, Joseph Dignartino of 22 Rodia Ridge Road is seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the street line from 40 ft. to 19 ft. for a one car detached garage.

Mr. Glover: Is the applicant here? Would you come forward please?

Mr. Dignartino: How're you doing?

Mr. Glover: Good. Good evening

Mr. Dignartino: Good evening

Mrs. Dignartino: Hi, how are you?

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

Mr. Dignartino: Joseph and Pamela Digmartino

Mr. Glover: And your address?

Mr. Dignartino: 22 Rodia Ridge Road

Mr. Glover: And have you brought any pictures?

Mr. Dignartino: This time we did, yes.

Clerk: Good thing, because it's dark out now

Mr. Dignartino: I was going to show you some black pictures, but I didn't want to get you mad, just as a little joke

Mr. Glover: You wouldn't get me mad, I'm hard to get me mad.

Mr. Dignartino: And this is where the pictures are, so

Mr. Glover: And we already have the receipts to your neighbors from last month

Mr. Dignartino: and two letters stating that both of them don't mind about the garage, sir

Mr. Glover: Alright, let's read, let's find out what you want to do and then we'll read those letters into the record.

Mr. Dignartino: okay

Mr. Glover: Can you tell us what you want to do and why you want to do it and why you can't conform to the zoning regulations of the City of Shelton?

Mr. Dignartino: Sure, over here is the secondary driveway that's down here. In half of it I'd like to put a one car garage because I've had a problem ever since my neighbor over here had moved in, he cut down all his trees and re-altered all the land. So I have all the water from the blue dot trail coming in, going into his land and there's two pipes and all the water's coming across my land. And for the past 6 years since he's been in, my whole half of my driveway from here down is all ice.

Mr. Glover: Here down, meaning half of the driveway

Mr. Dignartino: Half of the driveway sir, yes, down, all the way down to the street. So my wife and I, we have to park our cars down here and then walk up all the time. And

Mrs. Dignartino: You can't drive over the ice

Mr. Dignartino: You can't drive over the ice. And just as of this past year, no one will sand and salt our driveway anymore, so not only do I want to put, and this is how it looks, not only do I want to put a car in there so at least we can have it with no snow on it, one of them, I bought a used ATV with a sander and salter on the back and a plow in the front so I can do my own, and hopefully survive. I have spent, we have spent, four years ago we put a drain in and it worked for pretty much a year or two and then he cut down more trees, altered his land more and now it sideswipes, misses the whole drain, \$2500 later. Then two years ago I put a curb in all the way down. It hits the curb freezes up and then goes over the curb so that didn't work. We just had different type of piping done two or three months ago by a landscaper and within the first heavy duty rain, all the rocks over here blew across the driveway again. He came back and redid things. He did a basin this time, carving it all out, putting stone with a pipe going into the existing driveway. So I'm hoping and praying that this winter it works. But as he said, there's no guarantee unless I get something done for like \$10,000 redoing the whole interior land. So that's the reason why I'm trying to put a secondary driveway in this area which was put in for us since day one 22 years ago when we moved in.

Mr. Glover: So you've lived here for 22 years?

Mr. Dignartino: Yes, we moved in when the house was new, yes

Mr. Glover: Okay. How did you arrive, you're asking for a variance from the required 40 feet to 19 feet, how did you arrive at the 19 feet?

Mr. Dignartino: He was going in this back part, I measured from the front to the street

Mr. Glover: Okay. Do you realize your property line is 10 feet off the street?

Mr. Dignartino: No

Mr. Glover: If you, if you measured from the front to the curb then you're actually going to be 9 feet from the property line

Mr. Dignartino: right, oh, oh. I measured to the curb

Mr. Glover: not 19 feet

Mrs. Dignartino: The reason that secondary driveway is there is because the incline on the driveway itself is so steep, that when the house was built they were mandated to put that in as a, you know

Mr. Glover: off street parking area

Mrs. Dignartino: right

Mr. Dignartino: this is our driveway.

Mr. Conklin: This point is this point here on

Mr. Dignartino: yes sir

Mr. Conklin: this point here and that point there. This point here is how far from the curb?

Mr. Dignartino: Well,

Mr. Conklin: I mean you're asking

Mr. Dignartino: I did the closest part sir, to the curb. This part's even further, if it were, let's say it was 19 feet, that part's even further

Mr. Conklin: Okay, a question for you, is this garage being built from the end of this or is it being built on this?

Mr. Dignartino: It's taking up half of this sir, yes. And I measured like from the middle where it's going to be to the curb, not from this end, because it is slanted down a little bit

Mr. Conklin: My mistake in asking, because I thought this was, I thought you were adding it to the end of this, you aren't. Okay, you're adding it to the middle

Mr. Dignartino: Yes sir

Mr. Glover: It's going in place of the stone, right?

Mrs. Dignartino: Yes, it's going to be on top of the stone at the end part of the driveway

Mr. Dignartino: At the half, yes, and there's no

Mr. Glover: Half way up the existing stone is the front of the garage

Mr. Dignartino: Yes,

Mrs. Dignartino: right

Mr. Dignartino: and that's our, as you can see, our house is up here, this is our driveway all the way down

Mr. Glover: and I was up there today

Mr. Dignartino: Oh, you were

Mr. Glover: and it's, it is a steep driveway and it goes away from the road. Last week when I saw, last month when I saw the pictures I thought it was going down, but it's not, you're going, you're house is higher than the street

Mrs. Dignartino: We have a nice view

Mr. Glover: probably of the river

Mrs. Dignartino: Well, you can't see the river, but you can see Oxford on the other side

Mr. Dignartino: And there's no plumbing, no electrical, no, it's no foundation, it's just being placed right on the stone.

Mr. Glover: Your ATV?

Mr. Dignartino: Yes?

Mr. Glover: The garage that you're showing us has an overhang, I assume you're going to park it under that overhang

Mr. Dignartino: They will both fit in, they will both fit inside

Mr. Glover: Inside?

Mr. Dignartino: yes

Mr. Glover: the car and the ATV?

Mr. Dignartino: Yes, I'll have the ATV facing forward when it snows, open up the door and just

Mr. Glover: Right, okay. And in the summertime, will you use this or you'll be using up the top of the driveway

Mr. Dignartino: well, we have three cars

Mr. Glover: Okay, so you'll be using it but at all times the ATV will be inside?

Mr. Dignartino: Yes

Mr. Glover: It won't be out in the

Mr. Dignartino: yes, definitely. And on the ATV too we have insurance and all that too.

Mr. Glover: Okay, I can see a hardship that's caused by the land, with the land because of your neighbor's property you're getting excess water from him. And it's significant that the blue dot trail can't be, can't be moved so you're kind of stuck with that. My problem is that we've advertised it as 19 feet off of a property line and it's, it's actually going to be 9 feet off the property line

Mr. Conklin: question, so looking at this, trying to help meet the standards, you're doing it on this driveway just because it's, it's, it's been here for awhile, it's established

Mr. Dignartino: And it's level

Mr. Conklin: and it's level, okay, because I was wondering if this sort of could've been moved to the end of the driveway which would move it back, it looks like about that distance. Because it looks like from here over square is fairly

Mrs. Dignartino: Well, it will be at the end of that driveway, it will be tucked into the furthest most point on that driveway

Mr. Dignartino: But he's saying if we put it over here, this, leveling this part and it was always a secondary driveway, just leveling this part I had to widen it and level it, was \$2500 more. Over here at the end it starts sloping down so I would have to have, it slopes this way

Mr. Conklin: It's slopes in all direction

Mr. Dignartino: so I would have to have some heavy duty, from what I probably paid for this, I wouldn't want to even find out what I would be charged to put it, I know what you're saying, put it in the front

Mr. Conklin: I'm trying to get it back further off the

Mr. Glover: See, our problem is that we have a legal responsibility to advertise it. And it's been advertised in the paper and all of your neighbors believe that it's going to be 19 feet from the property line. And if we grant you the variance tonight, you're going to have to be 19 feet off the property line which means that's got to go back another 10 feet. I, I, we don't have the authority to change it. We have, we could change it to 20 feet, going further away from the, encroaching less, but we don't have the authority to allow you to encroach more than it's been advertised, legally advertised because everybody in the neighborhood thinks it's going to be 19 feet. Do you understand what I'm saying?

Mrs. Dignartino: you can't even get a back hoe in there because there's big boulders in there

Mr. Glover: I

Mr. Dignartino: My, both of my neighbors were down there and know exactly, that's why the letter, know exactly what I'm doing to the inch. And they know it's going to be there and the curb is over here.

Mr. Glover: Right

Mr. Dignartino: They understand that. They really don't care, you know, about it and it's so far away from them. They, they don't even know why I had to ask them.

Mr. Glover; you're not asking them, you're not asking them. You're just notifying them

Mr. Dignartino: right, okay

Mr. Glover: but the entire neighborhood has the right to know what you're doing

Mr. Dignartino: right

Mr. Glover: because it can adversely affect their property values. They may not like a structure that close to the road. I've been up there. I know it doesn't make any different. I've seen it today. But our problem is going to be that we, it's been advertised incorrectly because you measured it incorrectly

Mr. Matto: Gerr, should he revise his request to the 19?

Mr. Glover: He has to revise his request to the 9

Mr. Matto: I mean, well, yeah,

Mr. Glover: From 19 to 9, yes

Mrs. Dignartino: Well, I think that because the driveway's on an angle and we're you know, you said the property line is 9 feet from the road, Joe measured from here to the road, so it really needs to be measured from here to the property line and you're saying that that's

Mr. Dignartino: well, where, where would I? I mean, I really measured like over here

Mr. Conklin: You have to measure from the closest point

Mr. Dignartino: and that's what I did

Mr. Cavallaro: and just kind of subtract the 10 feet now for the

Mr. Glover: I understand what you're saying, you didn't measure from the, you have a yellow rectangle here, you didn't measure from the corner of the yellow rectangle, you measured from the front side of the middle of the rectangle

Mr. Dignartino: the closest of the

Mr. Glover: where the structure's going to be. And the problem is that, your testimony is that really it's going to be 9 feet from the property line, not 19 feet. The problem you'll have is that when you go up to zoning, the Planning and Zoning Commission, they will probably say you have a variance but you'll have to give us an A-2 survey. You'll have to survey it and show this as 19 feet. And after you build it, it's not going to be 19 feet, and then they're going to ask you to move it

Mr. Cavallaro: right

Mrs. Dignartino: So

Mr. Dignartino: Can't I just redo it with 9 feet? I mean I've taken pictures sir of homes 9 feet from the, from the street, homes, let alone a secondary driveway

Mr. Glover: Yeah, I'm not arguing with you

Mr. Dignartino: yeah

Mr. Glover: it's not, my issue is that nobody else knows. I don't have the right to say that your neighbor won't mind it being 9 feet, not this neighbor

Mrs. Dignartino: So we need to go through the appeal process again and say 9 feet

Mr. Glover: You do, you do. And I don't think, I think that we, do you think we can just re-advertise it?

Clerk: I don't see why not

Mr. Glover: Yeah, I think we can probably just re-advertise it

Mrs. Dignartino: And that means posting a sign and going through this process and seeing you again next month?

Mr. Dignartino: Posting a sign and seeing you next month again

Mr. Glover: I'm, I'm, I know you think I'm giving you a hard time, but I'm telling you your hard time is going to be down the road when it's built and it doesn't conform and then they make you either take it down or move it

Mrs. Dignartino: right

Mr. Matto: Is there a curb on the other side of the road also?

Mr. Glover: Yes

Mr. Dignartino: on the other side? Yes, there's a curb over there too sir, yes.

Mr. Glover: There's a curb on both sides of Rodia Ridge

Mr. Matto: Actually, if you were in the center of the road, you'd have to go 25 feet each way to know where the city's line ends. Because it's, that's, the whole thing is 50 foot.

Mr. Dignartino: gotchya

Mr. Glover: of right of way. Yeah, the

Mrs. Dignartino: Alright, well then they should be putting the drain in for all that water coming off

Mr. Dignartino: We tried that already, the guys a lawyer. And we tried the city already and they just punted it back to me. Can we redo it by chance then sir?

Mr. Glover: Let's, let's just re-advertise it.

Mr. Dignartino: Okay

Mr. Glover: That will save you a fee. That'll save you having to make out another application. We'll just re-advertise it and advertise it at 9 feet instead of 19 feet. And then we have the ability to

Mrs. Dignartino: So by advertising you mean you post that at City Hall here or the newspaper

Mr. Glover: in the newspaper

Mr. Dignartino: the newspaper and then I'll have to put out another, would I get a yellow sign?

Mr. Glover: Put out the yellow sign

Mr. Dignartino: where I had it before?

Mr. Glover: and you probably should call, just write your abutting neighbors and tell them it's going to be 9 feet from the property line instead of 19 feet from the property line. Okay?

Mr. Dignartino: okay

Mr. Glover: And I think we can just leave the file open?

Clerk: Uh huh

Mr. Glover: so we'll just leave the file open and

Mr. Matto: Maybe you ought to measure it just for kicks

Mr. Dignartino: I'll do what you had mentioned that makes it simple, yes

Mr. Matto: then you know for sure

Mr. Cavallaro: See, the rules state you only have to notify your abutting neighbors, but the people across the street, down the street, around the corner rely on the newspaper. You know, and if all of a sudden they decide there's a problem, you're just going to have a lot of trouble down the road. It's not worth it to you.

Mr. Dignartino: Okay, so we'll get the yellow picture in the mail, put it back up, um, and come back next,

Mr. Glover: Yeah, the third Tuesday in October, I'm sorry, but I

Mr. Dignartino: I understand, I know. What's the record for people coming back?

Mr. Cavallaro: You're not there yet.

Mr. Glover: You're not there yet.

Mrs. Dignartino: Alright, thank you for your time

Mr. Dignartino: (unclear) take all the pictures

Mr. Glover: No, you've made all the pictures, you don't have to bring anymore pictures. Just notify your neighbors again

Mr. Dignartino: okay

Clerk: by certified mail

Mr. Glover: by certified mail and bring that in next month and we'll advertise it as 9 feet from the property line

Mr. Dignartino: okay

Mr. Glover: And I'll keep all this stuff here?

Mr. Dignartino: Yeah sure, if you'd like, yes, thank you.

Mr. Glover: Okay, thank you, sorry.

Mr. Dignartino: that's, yeah, thank you.

Mr. Glover: I'm sorry for your frustration.

Mr. Dignartino: By the time, I'll be a master at this. Did you say you had a position open?

Mr. Glover: Yeah, we do. I don't think it snows though until November?

Mr. Dignartino: Thanks everyone.

Later that evening during the work session the Board voted to continue this hearing until next month.

**#910-1 207 Dickinson Drive**, Barry Mucci of 61 Armstrong Road, Shelton, CT is seeking to waive Section 35.7.1a by varying the minimum setback from the left side yard from 20 ft. to 16 ft. and Section 35.7.1 by varying the minimum setback from the rear property line from 30 ft. to 23 ft. for a two story garage with an in-law apartment above.

Mr. Glover: Good evening Mr. Mucci.

Mr. Mucci: good evening

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

Mr. Mucci: I'm Barry Mucci and my address is 61 Armstrong Road, Shelton, CT

Mr. Glover: Do you own this property?

Mr. Mucci: No, I don't

Mr. Glover: Okay, do you have some receipts and some pictures?

Mr. Mucci: These are my receipts, I had to sent out two sets of letters.

Mr. Glover: Why?

Mr. Mucci: because the first ones I didn't put the, I didn't give them the address on it so I had to write another letter. Somebody called and I, I didn't know if you wanted the copies of the letters I sent out to them

Mr. Glover: no, they've been notified?

Mr. Mucci: yeah

Mr. Glover: Whose property is this?

Mr. Mucci: Um, actually it's my cousin's. Billy and Sally Distassio

Mr. Glover: and they know you're here

Mr. Mucci: yes they do

Mr. Glover: and you have the legal right to speak for them?

Mr. Mucci: yes, I do

Mr. Glover: So you're going to be the builder, is that what it is?

Mr. Mucci: yes

Mr. Glover: Okay, and you're, it's a two story addition

Mr. Mucci: yes it is, I'm sorry, no, it's a one story addition with a two car garage underneath

Mr. Glover: Okay, so, but it's two stories. It's a garage under and they'll have a room up top

Mr. Mucci: garage under, correct

Mr. Glover: How are you using the room up top?

Mr. Mucci: It's going to be an in-law apartment. What they would like to do is give their house to their daughter and they'd like to move into the in-law apartment

Mr. Glover: Have, have they gone through the Valley Health?

Mr. Mucci: Not as yet, but the house is a three bedroom house and it has a four bedroom system, so I don't see any problem there

Mr. Glover: and it's city water?

Mr. Mucci: city water

Mr. Conklin: I thought there had to be a connection between the house and the in-law apartment?

Mr. Mucci: That's

Mr. Glover: they have it

Mr. Conklin: the only point of contact is that corner

Mr. Mucci: I'm going to clip the corner

Mr. Conklin: what's that?

Mr. Mucci: I'm going to clip the corner of this part of the house to get entry access

Mr. Glover: So you're going to have access

Mr. Mucci: I'm going to have access from the

Mr. Glover: internal access

Mr. Mucci: correct

Mr. Glover: And the front of it is only going to have two garage doors?

Mr. Mucci: two garage doors

Mr. Glover: Where, is there going to be an entrance door?

Mr. Mucci: there's going to be a side entrance door

Mr. Glover: okay, it's on the side

Mr. Mucci: yes. I just, had just had drawn up a rough sketch so you guys had an idea of what the front kind of would look like, and it will follow through, two garage doors, side door, and you know, would be able to come through this side here and match this gable on the main house

Mr. Glover: What's the square footage of the in-law addition?

Mr. Mucci: 26 by 26

Mr. Glover: Less than 900

Mr. Mucci: uh huh

Mr. Conklin: What is this going to connect to? You're saying there's a connection between this building and this building. What is, where the connection going to be?

Mr. Mucci: the connection is going to be right through here

Mr. Conklin: okay, on which, on which floor?

Mr. Mucci: I'm going to clip this corner, it's going to be a hallway

Mr. Conklin: On which floor?

Mr. Mucci: on the main floor

Mr. Conklin: the garage floor?

Mr. Mucci: no, no, main floor of the house, the second floor

Mr. Conklin: okay

Mr. Mucci: you won't be able to access the garage from the garage. You'll be able to access the house from the house

Mr. Conklin: I think that, isn't the requirements from living quarters to living quarters, that's why I'm asking the question

Mr. Mucci: Yes

Mr. Cavallaro: How, if the apartment's on the second floor of the garage, is there a topo situation there? I mean how are you getting from the main floor of the house to the second floor of the garage?

Mr. Mucci: I have this

Mr. Cavallaro: Ah, never mind

Mr. Mucci: there's a two car garage underneath of the main house as well

Mr. Conklin: Okay, what room is this on the second floor of the house then? You're making a connection to what room?

Mr. Mucci: Uh, that room right now is a spare bedroom.

Mr. Conklin: So a living to a living

Mr. Mucci: I'm sorry, that room there is their dining room

Mr. Glover: This is the dining room back here?

Mr. Mucci: Yes, it is

Mr. Glover: Okay

Mr. Cavallaro: yeah cause the living room's in the front

Mr. Glover: This now has a driveway that comes to one side of the house and another driveway that comes to the other side of the house?

Mr. Mucci: Yes, there's a, also he has, Billy has some antique cars so he had put up a two car garage here, they never expected they were gonna, you know, their daughter was going to stay with the house

Mr. Conklin: That side of the property slopes down too.

Mr. Cavallaro: Yeah. Now that side door on the garage is going to be stairs up to the apartment?

Mr. Mucci: Inside the garage, correct

Mr. Cavallaro: Cause that picture looks kind of close there, the one you hand drew, where you showed it on the side there

Mr. Mucci: Yeah, it will, you know what I mean, as I said it was just a rough, I just wanted to give you an idea. When it's said and done there'll be interior stairs you know, to get in through the side to get back up stairs and there'll be a door off the back to get outside. They have the pool area over here, so they can access the

Mr. Conklin: By this picture I understand how you're getting from the second floor to the first floor of the main house

Mr. Mucci: yeah, notice if you see, as you're looking at here where it says, oh you don't have it, do I have it, well it shows there's a retaining wall that comes around, so this part of the garage is all parking area now, you can see in the picture

Mr. Glover: The new structure is actually going to serve as a retaining wall

Mr. Mucci: exactly

Mr. Glover: okay

Mr. Mucci: they're going to eliminate the retaining wall that's there and that's where the new structure's going to be

Mr. Glover: and you're going to be 23 feet from this person and 16 from this

Mr. Mucci: correct

Mr. Glover: the side yard setback is 20, is required 20 in this

Mr. Mucci: right. I have a letter the next door neighbor went and dropped off I guess, but it's the next door neighbor

Mr. Conklin: where are the pictures of this side of the property?

Mr. Mucci: that's the only thing I have

Mr. Conklin: but that's not showing the side of the property at all, that's stopping here

Mr. Mucci: right, this is the area of what's in question, I didn't take a picture of the other side of the house

Mr. Conklin: you're supposed to have pictures of all the, both sides of the house property

Mr. Conklin read note: "7/22/10 We give the Distassio's our permission to put on their new addition up to the property line if its needed. Thank you, George and Frances Searles."

Mr. Glover: Okay, and those are the people you are encroaching on on the side

Mr. Mucci: correct

Mr. Glover: and this is at a cul de sac

Mr. Mucci: Yes, it is

Mr. Glover: And your other abutting neighbor is Monty Blakeman?

Mr. Mucci: Um,

Mr. Glover: or has that been sold?

Mr. Mucci: no that's, this is open space now.

Mr. Glover: alright

Mr. Mucci: and these are power lines that run right here, so there actually is an easement of the power lines

Mr. Glover: Is there any other place you can put this addition?

Mr. Mucci: No that's the reason why I'm asking for this. I was going to try to get it onto the other side but because of the top, see, when Monty built this house he kept it off of all the ledge and off the power line area and shoved it right over here, and

Mr. Glover: alright, so, there's a topographical problem

Mr. Mucci: correct

Mr. Conklin: That's why I would like pictures to see the other side of the property, that you were supposed to have

Mr. Glover: Alright, and the, the addition that you're putting on, one corner of it is 54, do you want pictures?

Clerk: they want to see pictures down this end

Mr. Glover: one corner of it is like 30 feet away from it, it's 30 feet on one side, it's conforming, almost conforming on one corner

Mr. Mucci: correct

Mr. Glover: and it's only, only non-conforming on a little triangle on the side

Mr. Mucci: yes, exactly

Mr. Glover: okay

Mr. Mucci: If I nip that off

Mr. Glover: No, you can't use it as a garage if you take that much off

Mr. Mucci: that would kind of be a weird room. It's, the living quarters are 26 by 26

Mr. Glover: it's pretty small. It's one bedroom?

Mr. Mucci: yes

Mr. Glover: Where is the septic system, in the front yard?

Mr. Mucci: Front yard

Mr. Glover: Will you get that going through the house, or going through the driveway?

Mr. Mucci: I would get that going through the driveway

Mr. Glover: Will you still be able to get to the pool?

Mr. Mucci: well, there'll be an access door over here

Mr. Glover: No, I mean, if you need, if there's a problem with the pool, can you still get to the pool

Mr. Mucci: um

Mr. Glover: because you have ledge over here, are you kind of landlocked?

Mr. Mucci: you're kind of landlocked in there

Mr. Glover: This one story over here is that a garage?

Mr. Mucci: yes

Mr. Glover: There's no room above it?

Mr. Mucci: No

Mr. Cavallaro: and it doesn't have pool access anyway because of the retaining walls that are there

Mr. Conklin: Well, you had it before coming this way

Mr. Cavallaro: No, that's where the retaining wall is

Mr. Conklin: but there's (unclear)

Mr. Glover: Ralph, do you want to see this plot plan?

Mr. Matto: yes

Mr. Mucci: I kind of focused over here, I guess I should have keeping trying to

Mr. Glover: That's alright. The important people are down there

Mr. Conklin: Was there ever a variance for this property in front of us before?

Mr. Glover: No, not that I'm aware of

Mr. Conklin: there's another structure on the property

Mr. Glover: There is what?

Mr. Conklin: there's a structure on that property

Mr. Glover: There is?

Mr. Conklin: the gazebo

Mr. Glover: Oh, the gazebo, no, it's been there for three years. How long has that gazebo been there?

Mr. Mucci: at least 10

Mr. Glover: Oh, good. Alright, are you all set down there? Any further questions from that end of the table?

Mr. Matto: I don't have any

Ms. Adanti: I don't either

Mr. Glover: Anyone else in this room in favor of this application? (no response) Anyone in favor? (no response) Is there anyone in this hall who is opposed? (no response) Any final questions from the Board? (no)

Mr. Cavallaro: not me

Mr. Glover: Then I'll declare the hearing closed. Thank you.

Mr. Mucci: Thank you.

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

**#910-1** “In the application of Barry Mucci of 61 Armstrong Road, Shelton, CT for a certificate of approval for a 26x26 garage with an in-law addition above to be located on the property of William & Sally Distassio at 207 Dickinson Drive, R-1/PRD-13 zone, and which requires variances in minimum setbacks from the left side and rear property lines,

The application for variances is approved.

Inasmuch as it is only a small portion of the proposed structure that encroaches on the minimum setback, and

Inasmuch as the property is bordered by open space, and

Inasmuch as the Board recognizes a hardship caused by the placement of the existing house on the lot due to the location of utility lines,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances to the minimum setback from the left side yard from 20 ft. to 16 ft. and from the rear property line from 30 ft. to 23 ft. at the above is granted (Section 35.7.1) 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.”

**#910-2 71 Lane Street**, J&D Country Builders, LLC of 9 Huntington Street, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 7 by varying the minimum setback from the street line from 40 ft. to 30.9 ft. for a single family residence.

Mr. Glover: Is the applicant here?

Ms. Laucella: Yes, gentlemen, ladies, good evening.

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

Ms. Laucella: Sure, it's Doreen Laucella, owner of J&D Country Builders, 568 Booth Hill Road, Shelton, CT

Mr. Glover: And what do you want to do?

Ms. Laucella: I would like to change our front line from 40 to 30.9. We purchased the property in '02 and it was a non-conforming lot. It does have a lot of ledge to it, so my hardship is, is that due to the fact that there is a lot of tension on Lane Street a couple years back I want to have the least amount of impact from blasting. Originally when I pulled my building permits I was going to put the house, you know, a little bit further back and I was going to try to, you know, put it in the center of the lot. Since then I paid for the city water to come in because originally we had a well, but now the city water's there. So I brought the city water down to where the driveway's going to be. This is where my septic system is. This is the outcropping of ledge and I have a 20 foot drop from the top of my property to basically where, you know, where we're going to come down to the house. So I'm going to put a full wall foundation in there. And I think by moving this 10 feet forward, or 9 feet 3 inches, it will give me a little bit less impact for blasting this ledge, hopefully.

Mr. Glover: Lane Street's a very old street

Ms. Laucella: it is a very old street

Mr. Glover: And I think it's a country street, is that what they call it?

Ms. Laucella: it is

Mr. Glover: As you go up and down Lane Street, are there other houses that are closer to the road than 40 feet?

Ms. Laucella: Yes, much

Mr. Glover: so

Ms. Laucella: it's conforming

Mr. Glover: It's in harmony with the rest of the

Ms. Laucella: Yes it is, yes it is

Mr. Glover: And your reason for doing this is the amount of ledge and the number of problems that they've had on the Lane Street, you're trying to be

Ms. Laucella: conscious

Mr. Glover: a courteous neighbor

Ms. Laucella: yes

Mr. Glover: and make an accommodation to them by moving your house away from the ledge

Ms. Laucella: correct

Mr. Glover: and you can't move it anymore because that's the only place you have for a septic system and every place else is ledge and there's a topographical hardship even if you did move it back

Ms. Laucella: absolutely. I did bring photos for you. This is a letter from my abutting neighbor which is here. She owns these two houses here. These are my receipts. For the land trust which is here, this is all land trust property here and this all her property here.

Mr. Glover: As far as the land trust is concerned you're not encroaching on them at all

Ms. Laucella: not at all, not at all. Now this is, where you can see the car is parked here, this is where her driveway is up on the top here and this is where our property begins. Unfortunately it's so overgrown that it was really difficult for me to get exact pictures for you, but I did label them for you so you can see

Mr. Glover: Alright, so this car is parked on your neighbor's property?

Ms. Laucella: she, I'm right here, the car's parked right there

Mr. Glover: right, your property is to the right

Ms. Laucella: to the right of the property, correct. And this is to the right.

Mr. Glover: Okay

Ms. Laucella: The rear property, due to the fact that, that is the rear property you can see that there's an abundant amount of ledge there

Mr. Conklin: Is the stone wall going to stay, are you trying to break up for the

Ms. Laucella: Oh yeah, I'm going to keep that there, definitely. The only place I'm going to break it through is where my driveways' going to go, exactly.

Mr. Glover: Does the Board have any other questions? (no) Do you want to see this map? Can you see the map? Would you read that?

Mr. Conklin read letter: "To: City of Shelton, P&Z Commissioners. Date: September 15, 2010. Dear Commissioners: I am in receipt of the certified letter from J&D Country Builders, LLC, 8 Huntington Street, Shelton, CT 06484, dated September 1, 2010, RE: Notice of Public Hearing, Tuesday September 21, 2010 at 7:30 p.m. at the Shelton City Hall. I, Janice M. Wolff, own and reside at 77 Lane Street, and am the adjoining neighbor of 71 Lane Street. I have "NO" opposition to the waiver application for the variance of the front setback line of 71 Lane Street for J&D Country Builders to construct a new single family home. If I can be of any further assistance, please do not hesitate to contact me. Thank you for your time and attention to this matter. Respectfully submitted, Janice M. Wolff, 77 Lane Street, Huntington, Shelton, CT 06484."

Mr. Glover: Was this part of the Wolff property?

Ms. Laucella: Yes it was, yes it was, it was a pre-existing lot

Mr. Glover: And the open space was the Hawley property

Ms. Laucella: Yes, absolutely

Mr. Matto: So the only encroachment is on the front

Ms. Laucella: correct, correct, there's like 35 feet from the, actually from the, the edge of the pavement to the stone wall, which because that road was just redone, chances are nothing's ever going to get done to that road again. You know, we put in the

\*\*\*Tape had to be changed\*\*\*

Mr. Matto: So your turnaround can still pretty much stay where it is too, huh?

Ms. Laucella: Yeah, pretty much, it works good. It'll work fine, I don't think I'll have a problem

Mr. Matto: Yeah, it looks good to me.

Mr. Glover: alright, anyone else in this room in favor of this application? (yes) Would you come forward please? Would you give your name and address for the record?

Mr. Welch: Joel Welch, 4 Millbrook Road, Shelton Land Trust President. I'm here actually in favor of building, which we can't afford to buy the property, somebody's going to build on it and I think having it pulled back from Land Trust boundary line is a benefit to us because we're very concerned about buffers. Lane Street is a meadow, it's hayed, and we have you know

Mr. Glover: it's probably wet too

Mr. Welch: it's wet there, associated farming activity that goes on there and we always try and be good neighbors and keep buffers, so obviously somebody, I mean they can go into the field and watch the whole operation, but they might not want to. And we might not want to see our neighbors, so to have a buffer which is basically through the land trust property there's a stone wall and then about 75 feet of woodlands and then you get to the field. So that's a benefit that we have. And then the house itself being pulled back from the boundary line puts it that much further away from, you know, where we have activity on land trust property. My only other problem that I have with the system is I got the certified letter kind of round about. It came to city hall, somebody signed for it. As the president, I would hope that anything that comes in that's supposed to be notifying the land trust, if my signature's not on that, call me, or say you got to get in touch with this guy because, luckily the mail got to me and I've been talking to Doreen and I got a good idea of what's going on, but

Mr. Glover: where should it be mailed?

Mr. Welch: It should go to our post office box, P.O. Box 2276

Ms. Laucella: If I can just suggest though, you know what happened when I went do that at the P.O. Box, when you wrote that for me, the mailman told me that we can't, they can't send a certified letter to a P.O. Box because there's nobody to sign for it.

Mr. Welch: Yeah, well we got them before, so I think he wasn't doing his job, because I get numerous things and you know, we go there every week and

Ms. Laucella: Okay, so that's when I called the Clerk's office and she said no, just send it here to the City Hall and they'd make sure he gets it

Mr. Glover: So you have two abutting neighbors and both of them endorse your variance

Ms. Laucella: That's wonderful, great, thank you. Thank you very much for coming, that's very nice of you

Mr. Glover: We don't often see the Shelton Land Trust here

Mr. Welch: Yeah, well maybe I'm not getting the certified mailings

Mr. Glover: They're not always uh

Mr. Cavallaro: let it be a bill collector and I guarantee they get the notice

Mr. Glover: Alright, anyone else in the room in favor? (no response) Anyone opposed? (no response) Any final questions? (no) Then I'll declare the hearing closed. Thank you.

Ms. Laucella: Thank you gentlemen, thank you ladies, have a great night.

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

**#910-2** "In the application of J&D Country Builders, LLC of 9 Huntington Street, Shelton, CT for a certificate of approval for a single family residence to be located on the property of the applicant at 71 Lane Street, R-1 zone, and which requires a variance in minimum setback from the front property line,

The application for a variance is approved.

Inasmuch as the parcel is topographically distressed and contains a large amount of ledge, and the applicant has positioned the proposed house in the best location on the lot as to minimize the impact on the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the front property line from 40 ft. to 30.9 ft. at the above is granted (Section 24, Schedule B, Standard 7) 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."

**#910-3 49 Hiawatha Trail**, Claire & Rui Gloria of 49 Hiawatha Trail, Shelton, CT are seeking to waive Section 24.11.4 by varying the setback from the rear property line from 40 ft. to 10 ft. for a 21 foot pool and 40 ft. to 30 ft. for a 12x14 deck.

Mr. Gloria: I am Rui Gloria of 49 Hiawatha Trail, Shelton, CT

Mr. Glover: And Mr. Gloria, can you tell us what you want to do, well first, let me have the pictures and the receipts

Mr. Gloria: Okay, I labeled the backs of the pictures of the different parts of the property. The big plan is probably easier to look through there

Mr. Glover: Are you the original owner?

Mr. Gloria: of the house, yes

Mr. Glover: you came in for a variance in '96

Mr. Gloria: In '96 right, that was to put the home in the back corner of the property there. Basically we're looking to put the pool on that red dot there by the house.

Mr. Glover: So do you have a right of way from Hiawatha?

Mr. Gloria: Uh, yes

Mr. Glover: there's a 22 acre, a .22 acre piece there. We have a copy of that here. If we look at that we have to take it from you and I don't really want to take it from you

Mr. Gloria: Oh, okay

Mr. Glover: Alright, so there's, there's a .22 piece in the front there according to the Assessor's map. Hiawatha ends here and then there's a piece here

Mr. Gloria: Right, oh, okay, that's open space. The driveway follows along the, actually this isn't road, this is a little bit

Mr. Glover: a paper street?

Mr. Gloria: yeah, it's paved and everything but the town doesn't actually have ownership of it. They won't plow it. They just stop right there so it's kind of a common access-way for

Mr. Glover: what's behind you?

Mr. Gloria: oh, this is open space

Mr. Glover: Okay, so you're going to put a pool up and you're going to be 10 feet from open space

Mr. Gloria: basically, yes

Mr. Glover: and who owns the open space, the town?

Mr. Gloria: the town

Mr. Glover: it's the town's open space?

Mr. Gloria: Yes, well the Conservation committee

Mr. Glover: Okay, that's different people altogether

Mr. Conklin: I'm surprised he didn't say

Mr. Gloria: This one, we're, that's mine, they're on this side

Mr. Glover: alright so you're asking to put up a round pool

Mr. Gloria: uh huh

Mr. Glover: And you're required to be 40 feet and you're only going to be 10 from the rear

Mr. Gloria: Right

Mr. Glover: And from the back you're going to be 30 feet, is that right?

Mr. Gloria: um

Mr. Glover: reduce the rear setback from 40 to 30

Mr. Gloria: Oh, that's for the, one's for the deck and one's for the pool

Mr. Glover: Okay so there's a deck, you're putting a deck on the back of the house or around the pool?

Mr. Gloria: around the pool, the deck's going to be attached to the pool. And it'll be on the side that's further away from the property line. So the pool will be closer and then the deck will be

Mr. Glover: Okay, I understand. So the pool's going to be 10 feet in diameter

Mr. Gloria: 21 feet in diameter

Mr. Glover: The pool's going to be 21 feet in diameter, it's going to be 10 feet from the property and 31 feet from the property line is going to be the deck

Mr. Gloria: right

Mr. Glover: Okay, got that now. And you're encroaching totally on open space

Mr. Gloria: Right

Mr. Glover: where nobody can build

Mr. Gloria: right

Mr. Glover: that's a, on the Assessor's map it's a reasonably big piece of property. Why can't you put it over

Mr. Gloria: Well, basically because of the topography and ledge. There's, and septic

Mr. Glover: Alright, so you can't put it on the side because of the septic, topography and ledge over on that side.

Mr. Gloria: right

Mr. Glover: So in your opinion it's the only place to put the pool

Mr. Gloria: right

Mr. Glover: Okay

Mr. Conklin: This is well advertised, it's right in the middle of the road.

Mr. Gloria: There used to be a curb there and the snowplows kind of smashed the curb so we asked the city to just pick up the curb and take it away and like do we have to put new curb in, and we're like no

Mr. Cavallaro: why was the road paved on the other side of the curb?

Mr. Glover: This is Pine Rock Park

Mr. Cavallaro: ah, say no more

Mr. Glover: You haven't been on the Board long enough to know Pine Rock Park

Mr. Cavallaro: Yeah, but I know Pine Rock Park though, say no more

Mr. Gloria: Eventually we want to put a stone wall or something over there, but for now the mailbox is just kind of, it's where the post office said they wanted it so

Mr. Glover: any questions from that end? (no) Anyone in this room in favor of this application? (no response) Is there anyone opposed to this application? (no response) Any final questions from the Board? (no) Then I will declare this hearing closed. Thank you.

During the work session the Board, upon motion by Commissioner Matto and seconded by Commissioner Conklin, unanimously voted that:

**#910-3** “In the application of Claire and Rui Gloria of 49 Hiawatha Trail, Shelton, CT for a certificate of approval for a 21 ft. round above ground pool with a 12x14 deck to be located on the property of the applicants at 49 Hiawatha Trail, R-1 zone, and which requires variances in the setback from the rear property line,

The application for variances is approved.

Inasmuch as it is the only place on the property to place the pool due to the topography and existence of ledge on the property, and the location of the septic and reserve,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances to the minimum setback from the rear property line from 40 ft. to 10 ft. for the pool and from 40 ft. to 30 ft. for the deck at the above is granted (Section 24.11.4) in this instance.

**This certificate of approval is contingent on the applicant taking a building permit prior to erecting the pool and providing any necessary safety features including a fence that may be required by the building department.**

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.”

### **Approval of Minutes**

During the work session, upon motion by Commissioner Cavallaro and seconded by Commissioner Conklin, the Board voted unanimously to accept the minutes of the August 17, 2010 hearings as submitted by the clerk.

Respectfully submitted,  
Loreen Michalak, Clerk