

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT. Tuesday, December 15, 2015 at 7:30 PM

#1115-01 15 Longview Road, George Sender of 112 Perry Hill Road, Shelton, CT

#1115-02 450 Huntington Street, Dominick Moriello of 450 Huntington Street, Shelton, CT

#10-02 2 Lakeview Avenue, Key Development LLC of 431 Howe Avenue, Shelton, CT

Commissioner Conklin	Good Evening Ladies and Gentlemen. Welcome to the December meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations and appeals of the zoning department decisions and actions. When your application is called, please come up to the table and give your name and address. To start the hearing our regulations require that you have a placard at your property, that you provide four pictures one including the placard and that the receipt indicating you notified your abutting neighbors ten days in advance of the hearing tonight. If you don't have these we will reschedule the hearing for next meeting. When you come in front of this board you are giving testimony. This is a hearing. If the decision made by this board at the end of the hearing is challenged and taken to the next level, it is the recorded testimony that is presented and not any member of this board. Our minutes are transcribed verbatim. The two recorders up here on the table can only record one person speaking at a time. The conversation at all times is between you and any member of the board up here So please turn off your cell phones or mute them and if you have to take any conversations please take them out into the hallway. Present tonight are Alternate Commissioner James Orazetti who will be sitting in for Phillip Jones, Commissioner Linda Adanti, Sue Pulos, our secretary, myself Ed Conklin, to my right is Commissioner Phillip Cavallaro, and to his right is Commissioner Bryan Vasser.
Commissioner Cavallaro	TO WHOM IT MAY CONCERN: The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday, December 15, 2015 at 7:30 p.m., in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT. <b>Number One 15 Longview Road</b> , George Sender of 112 Perry Hill Road, Shelton, CT for a waiver to Section 24.4.12 by varying the minimum setback from the left side line from 27 feet to 23 feet to allow for a garage addition.
Commissioner Conklin	Is the applicant here – please come up here. Have a seat. Give your name and address for the record please.
George Sender	George Sender, 112 Perry Hill Road, Shelton.
Commissioner Conklin	Ok – do you have receipts and pictures.
George Sender	Here are receipts, and pictures.
Commissioner Conklin	Here is one more picture – any give this copy down there for Linda and Jim.
George Sender	And here are letters supporting that
Commissioner Conklin	Ok – tell us what you are trying to do and why you can't meet the regulations please.
George Sender	Pardon
Commissioner Conklin	Tell us what you are trying to do and why you can't meet the regulations please.
George Sender	Uh I want to add onto the house – there's a one car garage there now – I want to make it a two car garage – uh the lot is non-conforming so I guess there is something about a twenty percent
Commissioner Conklin	Correct – that's the reason why it's not a 30 foot set back
George Sender	Yeah
Commissioner Conklin	And you only have a 27 foot setback.
George	Yeah.

Sender	
Commissioner Conklin	One each side.
George Sender	Yeah so I don't have enough to make the uh- the garage – meet that minimum so I'm applying for the variance.
Commissioner Conklin	Ok.
George Sender	To accommodate the garage.
Commissioner Conklin	Right and it's obvious that you are adding onto the garage so there is only one place you can put it is next to the existing garage.
George Sender	Exactly.
Commissioner Cavallaro	And there is an existing shed that you're going to move.
George Sender	Yeah – that shed is going to go to the back – if it makes it that far – it's going to be getting it onto something and moving it to the back – if it makes it fine – if it don't then that will be the end of the shed.
Commissioner Conklin	Ok – the garage is going to be existing and carry on from the existing one same roof line, look the same.
George Sender	Pretty much –yeah.
Commissioner Conklin	Ok.
George Sender	Yeah – as much as it's going to go back a little further because I think presently it's uh 20 – I don't have the sketch in front of me but I know that – yeah here it is – presently it is 22 deep as well as 30 deep.
Commissioner Conklin	Ok – that's the size – alright.
Commissioner Cavallaro	And we have three letters,
George Sender	Yeah, left, right and across the street. Haven't heard anything at all from the rear part of the lot and received anything as far as the return receipt from them
Commissioner Conklin	As long as it's been mailed out that's all that matters.
George Sender	It was mailed out yes
Commissioner Cavallaro	All three letters are in support of the project and they all state the adjoining neighbor's name, it state they own property adjoining 15 Longview Road. I support the requested zoning variance. The first is signed by Judith Violet, the second by Dennis Dellagioia and the third by Diane Lionetti.
Commissioner Conklin	Ok and Lionetti is the one you are encroaching upon – correct.
George Sender	Right
Commissioner Conklin	Ok – questions – anybody have any questions. Ok – I declare this hearing closed – oh I'm sorry – any in favor – any opposed – ok declare the hearing closed.
Commissioner Cavallaro	<b>Number 2 450 Huntington Street, Dominick Moriello</b> of 450 Huntington Street, Shelton, CT for a waiver to Schedule B, Line 7 by varying the minimum setback from the street line from 40 feet to 28 feet to allow for construction of a two story addition and an attached two car garage.
Commissioner Conklin	Is the applicant here – 450 Huntington Street
Commissioner Cavallaro	No show
Commissioner Conklin	I guess not – let's just carry this until the end to make sure he hasn't stepped outside.
Commissioner Cavallaro	Number 3 <b>2 Lakeview Avenue</b> , Key Development LLC of 431 Howe Avenue, Shelton, CT for a waiver to Section 24, Schedule B Line 7 by varying the minimum front setback 25 feet to 15 feet.

Commissioner Conklin	Name and address for the record please.
Jim Swift	Good Evening, my name is Jim Swift – professional engineer – offices at 102 Village Drive, Shelton CT. First things first – I apologize to the Commission for not being here last month – I know that the Commission’s time is valuable. Apologies
Commissioner Conklin	Can you give that one map to them if you don’t mind please
Jim Swift	Yep
Commissioner Conklin	And they can use it on that side. - You have pictures and receipts please
Jim Swift	Pictures and receipts as requested and one of the pictures does show the sign – per the commission. I would like to put this application in a nut shell – what we have is a lot with some challenging topography – it’s an existing lot – as we speak it slopes down pretty severely towards the back of the lot. And what the topography of the site being is – it’s somewhat of a hardship for constructing a single family house on the lot. I’d like to point out two things to the commission – I did prepare a plan which show the general area of the application and I guess the Commission has been out there but I would just like to submit this plan for the record too – this is the Assessors map – and it shows other houses in the vicinity and it shows that the house, house setback – front setback variance that we are requesting is not out of character with the neighborhood. Some of the houses are a bit closer, some of the setbacks, some are a little farther away but by and large I think the variance we are requesting is not out of character for the neighborhood. So the
Commissioner Conklin	And this is a one point three acre lot
Jim Swift	Yes – no I’m sorry it is not a one point three acre lot, that’s on the zoning
Commissioner Conklin	Ok
Jim Swift	The area should be on the site data of the plan that was submitted – it’s probably a little less than half of that.
Commissioner Conklin	What was this lot subbed.
Jim Swift	It was precut – it that right – yeah it was a precut lot.
Commissioner Conklin	Ok
Jim Swift	The area of the lot is about 25,000 square feet
Commissioner Conklin	Ok
Jim Swift	Well above the minimum. So the variance is for
Commissioner Conklin	Well above the minimum for that zoning in that area
Jim Swift	Yes – so our variance is to move the house a bit closer to the road so that we can have something of a backyard – not a full yard but at least good access around towards the back of the house. And to the sides of the house. And again it’s fairly in character with the neighbor – so it’s just that one variance – the hardship is the topography – and I’d like to take any questions
Commissioner Conklin	Ok
Commissioner Cavallaro	Constructing an addition or an entire house
Jim Swift	That’s a brand new house – there is a garage on the site – as it sits right now
Commissioner Conklin	Here are the pictures
Jim Swift	And the garage will be demolished.
Commissioner Conklin	That garage belongs to
Jim Swift	Uh
Commissioner Conklin	What property was split – this whole spot and end street was split
Jim Swift	Yeah these two (undistinguishable)
Commissioner Conklin	Ok

Jim Swift	So the variance would not make the lot undevelopable but it makes it quite a bit better for the future owner of the property.
Commissioner Conklin	Undistinguishable
Commissioner Conklin	You building a retaining wall on the back of that property.
Jim Swift	We don't need to build a retaining wall on the back – that is an existing stone wall
Commissioner Conklin	Ok
Jim Swift	It's not so much a retaining wall as it is the top of sort of a slope.
Commissioner Conklin	Ok
Jim Swift	And so what we'd like to do is when we do our construction, is to leave that undisturbed to maintain the integrity of this wall
Commissioner Conklin	Ok
Jim Swift	We do need a retaining wall to the side on the upper portion to hold up our parking space because we do provide both parking spaces at this point
Commissioner Conklin	Alright – so essentially you're not going to – how much of the front part of this lot are you going to change – it's going to be kept pretty much the same as seen in this picture here
Jim Swift	That's correct – the grade is basically the same
Commissioner Conklin	Ok – I just noticed when I saw that picture with all the construction – I was – that's why I was asking
Jim Swift	Well I mean - this is neither here nor there in relation to this application for variance but it is as a little bit of background information uh the house that used to be on this property – the existing house on 1 dash 3 is a two family house and that house previously did not have the requisite amount of parking which would be four spaces for an apartment
Commissioner Conklin	Ok
Jim Swift	So the disturbance that you see in those photographs is we are building four parking spaces off street to support that house and again it's neither here nor there – but it should alleviate some of the parking issues that we have on the street plus the new house that we're constructing does have a parking garage and a house that will also not need parking on the street
Commissioner Conklin	Ok so you are meeting all the zoning regulations requiring all the parking off street
Jim Swift	Correct yes
Commissioner Conklin	Ok – questions
Commissioner Adanti	I'm good
Commissioner Orazetti	So without a variance you can still build this house.
Jim Swift	That's correct – we would have to move the house from 15 feet to the street back to 25 feet from the street and since the grade falls away so steeply we would do a special retaining wall for the back of the house and extend it down into the exiting grade – it's feasible – it's doable – we would do it if the commission saw fit – but this variance would help the people that would purchase the house in the future – they would have better access around the house.
Commissioner Adanti	This is going to be a single family house.
Jim Swift	Single family yes
Commissioner Orazetti	And moving it closer to the street you lose parking in the driveway though right
Jim Swift	No we still have the requisite parking spaces – you can see that one space is in the garage and the other is next to the garage
Commissioner Orazetti	You have the required parking space
Jim Swift	Yes
Commissioner Orazetti	But you lose parking in the driveway correct

Jim Swift	Yes yes
Commissioner Conklin	Here's the map of the area – showing the rest of the lots
Jim Swift	And again this map is from the accessor and it shows a lot of the existing houses in the neighborhood – some are a bit closer - some are the same as the variance as we are requesting and some of course are farther away.
Commissioner Conklin	Ok
Commissioner Cavallaro	No I'm just making sure there is room for a guest without parking on the street. Looks like the driveway is long enough to accommodate a guest vehicle
Commissioner Conklin	Yes
Jim Swift	Also, incidentally we have been going over this house with the city engineer because we're concerned that it's at the end of a cul-de-sac and Mr. Kulacz has reviewed the plan and he has no issues with it.
Commissioner Cavallaro	There wasn't a snow shelf or anything
Jim Swift	It's fairly similar to the existing condition because there was a garage there today. So we're aware that when the street is plowed they're going to plow it into the front yard of the house and it's up to this homeowner to clear his driveway.
Commissioner Conklin	There is a garage directly at the end of the street so there is zero place to put it at that point to
Jim Swift	Exactly – this does actually make snowplowing a little bit better in that respect
Commissioner Conklin	Ok any other questions
Commissioner Vasser	Can I see the assessors map.
Commissioner Conklin	Ok is anybody in favor of this application – ok is anybody opposed to this application – come to the table please.
	Undistinguishable voice from audience
Commissioner Conklin	You have to come up here please – have a seat please
	Multiple voices
Robert S. Wood	Robert S. Wood – 6 Lakeview Avenue – did I hear 2 Lakeview Avenue – is that what
Commissioner Conklin	Yes
Robert S. Wood	Because it's already in existence – my next door neighbor who is the abutting neighbor to this property is Mrs. Mary Mary Ann Cochilo (spelling) and that house already exists.
	Undistinguishable voice
Robert S. Wood	And I was wondering among other things if this house is going to be one and a half Lake View Avenue because One is on the left side of the road going down – it's not a cul-de-sac – it's a dead end.
Commissioner Conklin	Ok
Robert S. Wood	Um and I would like to remind the board that across the ravine in I think 2009, a house on I hope I get this right, North Oak was eroded and went down into the ravine so I'm concerned about the house that is built there that I don't know if the soil would be stabilize enough but it's not 2 Lakeview Avenue.
Commissioner Conklin	Ok
Commissioner Cavallaro	Which one are you saying is 2 Lakeview on this map
	Multiple voices – assessor's map.
Robert S. Wood	We are 6, she's 2
	Multiple voices – she may be wrong
Commissioner Cavallaro	This is a tax assessor's map
Robert S.	Ok I stand corrected or sit corrected

Wood	
Commissioner Conklin	Ok – anything else
Robert S. Wood	That’s it – thank you
	Ok thank you
	Undistinguishable voice from audience
Commissioner Conklin	Yes you can
Elaine Wood	I’m Elaine Wood and I also live at 6 Lakeview – um our concern as Bob said um one is the very steep ravine that is there and the house across the way that did fall into the ravine.
Commissioner Vasser	The house across the way
Elaine Wood	It’s North Oak – it’s on the other side of the ravine
Commissioner Vasser	It is
Commissioner Conklin	Here
Commissioner Orazetti	No – no it would be over here – that really
Jim Swift	It would be down over here – voice fades as distant from microphone
Commissioner Orazetti	It would be approaching it by Plumb Library over here – come up that way and take a right onto North Oak and it’s on the end of the street there.
Elaine Wood	The point being that it is very steep in that area and also the issue of the parking – it is not a cul-de-sac – it is a dead end and there is an issue with traffic coming down and being able to turn around and they are using our driveway right now – so that is our concern also – but also there is a creek at the bottom – there is a brook at the bottom of that hill and our concern is that um you know if there are wetland regulations that would need to be adhered to – that is also our concern.
Commissioner Conklin	They have supplied all off street parking for this house
Elaine Wood	Ok
Commissioner Conklin	It does not encroach upon the street or add traffic to the street
Elaine Wood	Ok but it does make the street a little bit shorter by encroaching on – having the setback shorter
Commissioner Conklin	No-no it has nothing to do the street itself
Commissioner Vasser	They are not going to build the house on the street –they are just going to be closer to the street
Commissioner Conklin	Correct
	Actually they’re going to be further then – what looks like that garage existing is now
	Correct
Commissioner Conklin	Am I correct in that statement
Jim Swift	Yes
Commissioner Conklin	By looking at that picture, that garage is virtually five feet from the street and even at that and this house is going to be set further than that back
Elaine Wood	Ok so I guess our concern that it doesn’t fall into the creek
	Multiple voices
Jim Swift	So if a could through the Chair, the garage and the house are about at the same
Commissioner Conklin	About the same – ok
Commissioner Orazetti	That garage that is existing right there – I’ve never seen any cars go in and out of it – do they use it
Elaine Wood	I would say so
Commissioner Orazetti	I’ve never seen any

Elaine Wood	I think the time we've left there
	Voice from audience – unclear
Commissioner Conklin	Ok – anything further
Elaine Wood	No - thank you
Commissioner Conklin	Ok thank you – anybody else – ok
Jim Swift	Ok I understand the neighbor's concerns – you know especially on the parking issues – we certainly clear up address with the city engineer – the city engineer gave us 2 – we'll make sure we clarify with him that he is giving us a usable proper address and we'll do that
Commissioner Conklin	Ok
Jim Swift	As far as the soil stabilization of the slope, I mean that is actually part of the reason we are here – is to make sure that this house stays off that slope by some distance.
Commissioner Conklin	Alright
Jim Swift	And last but not least of course they are correct about wetlands – the plan does show the upland review area which is the dimensions that trigger a wetland application – will be showing this to John Cook and if he decides that we should go to wetlands we will.
Commissioner Conklin	Ok – alright – any other questions – ok I declare this hearing closed. – Thank you
Commissioner Conklin	Alright – 450 Huntington Street again – no show – so we will just have to continue that until next month.

Later that evening during the working session of the Board, upon a Motion made by Commissioner Vasser and seconded by Commissioner Orazetti to grant the application **##1115-01 (15 Longview Road, Shelton CT)**, Motion passed by 5-0 vote.

Later that evening during the working session of the Board, it was agree that the application **#115-02 (450 Huntington Street)** would be continued until the next meeting of the Board, scheduled for January 19, 2016.

Later that evening during the working session of the Board, upon a Motion made by Commissioner Adanti and seconded by Commissioner Cavallaro to grant the application **#10-02 (2 Lakeview Avenue, Shelton, CT)**. Motion passed by 5-0 vote.

#### Approval of Minutes

**Motion made by Commissioner Adanti to accept the minutes of the November 17, 2015 hearings as submitted by the clerk. Motion was seconded by Commissioner Vasser and passed by unanimous vote.**

**Meeting adjourned at approximately 8:20 PM.**

Respectfully Submitted,

*Susan M. Pulos*  
Clerk