

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, April 17, 2007 at 7:30pm

AGENDA:

- #307-1 Alan Tyma at 37 Edgewood Avenue
- #307-3 Edward Reilly, II at 39 Suren Lane
- #307-4 Natalia K. Whittmer at 35/37 Wakelee Avenue
- #307-5 Roberta McLoughlin at 34 Mayflower Lane
- #407-2 Jack K. Fitzgerald at 14 Emerald Ridge Court

Possible Decision on

- #207-1 Shelton Heights Joint Venture at Constitution Blvd, South, Map 92, Parcel 86

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

Mr. Glover: Good evening ladies and gentlemen and welcome to the April meeting of the Zoning Board of Appeals. We meet monthly to have hearings to decide variances. You are required to have posted your property and to have taken pictures of your property, and to have notified your abutting neighbors. When your hearing is called I will expect you to have the evidence that you notified your abutting neighbors and have pictures for the Board. If you have them then we will continue. If you don't, we won't, we will continue your hearing until another time. With us tonight on my left is Commissioner Ralph Matto, Commissioner Jack Fitzgerald, Lori Michalak, our clerk, I'm Gerry Glover. To my right is Jaime Jones, Ed Conklin and Phil Cavallaro. Jaime?

#307-1 37 Edgewood Avenue, Alan Tyma of 231 Coram Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 4 by varying the minimum lot frontage from 60 ft. to 35.46 ft. for a lot split.

Mr. Glover: You've done a great job Commissioner Jones. Attorney Tyma?

Atty. Tyma: Good evening. Thank you

Mr. Matto: Gerr, should I stay here or do I have to go. I won't say nothing, remember I'm the guy that sold him the piece

Clerk: He's recused on this one

Mr. Glover: Yeah, you better get out of here then

Mr. Matto: Get out of here? Alright, I'll see you next week, huh?

Atty. Tyma: Good evening. Last time we were here a couple of our neighbors had raised a couple of questions and, as the Board had done, and asked me to have these addressed and to go back and have the engineer redo the maps as appropriate. So I believe the last time you had it, there was just one map and they have two maps together. Probably if we just focus on this particular map we can indicate that previously there is an existing dwelling, which is 37 Edgewood Avenue. There's a proposed dwelling which is a lot that has all of the requirements except for the frontage requirement which is a little short. And there is also 33 Edgewood Avenue, my neighbors are here the O'Connells in the audience, and what's happened is there's three new homes, one of which is there's up on top and a new home across here. We're rehabbing this dwelling and we're getting closer. The weather is not really that helpful all the time. But, and, this proposed lot will be conforming in all respects except for the frontage requirement. There's already been granted for this particular lot a couple of variances which allowed us to have 20 feet on the roadway and would also, it also allowed us to put an addition to the house so that we could match up this house more closely in conformity with the neighboring homes. So that everything seems to be coming along fairly well and if I recall, our individual's last time, and I've spoken with them since, one is Mr. Tremblay who lives across Edgewood Avenue over here and another one is the gentleman whose name is escaping me, who is the abutter down here. So two questions that were raised last time were, can we try to provide a turnaround in a more detailed form at the end of the road and it's shown here as a 50 foot turnaround. I was out there with the engineer, and they were doing the surveying and that will work in terms of that. The driveway itself will

come off of that and go into the home and then the next question was this gentleman had some concerns about drainage that had occurred over a period of time. Some of it unfortunately, the city has an easement all the way down here and you asked that it be shown on the map, so it is shown on the map as to where it goes through our property here and then it dumps into riprap and swale down here. So it is all, as he had indicated the last time, to the right of his property. I think one of the problems that he had, and we had gone down there to take a look at it, is, because the City has the easement here, it's probably not always cleaned. And I think one of the problems he may have run into the last time was it may have been a little dirty. Where we were it's all open up in here. So it basically will flow down and what I asked the engineer to do was to be sure that we wouldn't add anything in terms of the construction. So what he's provided here besides the normal household, house footings, is he's also provided a retention chamber, which is shown on the map, which will be on site to make sure that there's no extra run off that will occur to go into hurting his property, if indeed that could happen, it will be retained on the site. So my understanding and the way that it's drawn in here is that there would be zero additional run off with respect to any of the construction here. So what is being asked for after my discussions with P&Z and after our looking at the zoning regulations would be a variance because of the unusual way in which this lot develops, that is the size of the lot, is, it only requires it to be 7500. It's almost 13,600 feet and all of the other items fit in terms of the coverage, etc., except for this particular area in which you gain access here, so that's where the variance would be needed. And it was noted the last time that this was thought originally to be within the City, but in fact it was within the original developer, the properties below, and so acquisition was made of this property because it was just sitting there. The City had no use, and of course because it's all been developed down here, there's no access way that will ever come through that way. So this property then just serves to expand the size of this lot, so in fact, this lot is about the same lot that's proposed, which is Parcel B is about the same size as all of the other lots up in here. So they all conform and the home that's sought to be put up here will be relatively identical to a home that's across here, which is a 3-4 bedroom colonial. And that will fit perfectly on the property. And this property that's being rehabbed is also a 3-4 bedroom colonial, but it's an older vintage with an additional room. So that's pretty much what I have to say this evening. If anyone has any questions I'd be glad to answer them.

Mr. Conklin: After your conversations you had with the city engineer and highways and bridges, what did they determine for a snow shelf?

Atty. Tyma: I don't know the technical answer because I believe that conversation was between the surveyor and perhaps them, but I don't know what that entailed. I mean, he's drawn it up according to what he said should work. You can see here, if you want to look at where the cul de sac is, that this property that I own over here, there's plenty of room to go and put the snow

Mr. Conklin: You're missing the telephone pole that's here, okay?

Atty. Tyma: yes, that's true

Mr. Conklin: That will block anything from being pushed in this direction at all. There's a major telephone pole with all underground utilities that service

Mr. Cavallaro: that feed that

Atty. Tyma: I know, I put in the underground utilities, that was part of it, okay? I'm not sure if that pole will remain there. We've been talking about actually putting up a pole and having some light at the end of the street because the three homes that are up here, and they either have or will have kids, and so the thought process was at the end of it maybe that pole would be relocated. That's something that we'll discuss with UI in terms of doing it and certainly a

Mr. Conklin: Well, as it stands right now where you have that driveway, there's absolutely no place, there's no way even a plow would fit between that driveway and that pole right now to put snow.

Atty. Tyma: I think the pole is right over here and I own all this other part over here

Mr. Conklin: It comes right here at the edge of that property and it falls right about where that mark is

Atty. Tyma: Okay, so the driveway itself that would go in is here, so it would be the in between spot I would

Mr. Conklin: You're taking, your driveway's coming in off here

Atty. Tyma: Yes that's correct

Mr. Conklin: okay

Atty. Tyma: that's where it is

Mr. Conklin: so between there, that's the only place you're saying that they can put snow. This falls off into that gentleman's yard

Atty. Tyma: Actually, yeah, the neighbor below, but they would be able to go into it like that. And I understand what you're saying in terms of the pole, um, we're looking at them doing the pole for another reason, but I understand what you're saying there

Mr. Conklin: As it stands right now there's no place with you putting that driveway there, for them to put the snow up there, at all. The only place there was to put snow right now is straight here in a pile. We went up and looked at that area

Atty. Tyma: Right, but part of that, part of that I understand, I mean again, this a 50 foot wide, this is approximately 50 foot wide there so when you take off the um, 16 feet I think you're left with 35 feet roughly. And then you've got the pole

Mr. Conklin: look at the elevation here, you're dropping off. You have no place to get a truck to push, without the truck falling in

Atty. Tyma: I'm very familiar with the property. I don't necessarily agree with proposition that there's no place to put the snow, but I understand what you're saying. The City does in fact have an easement over here also, where the hammer-head was, which we're proposing obviously to expand with respect to the, the end of the road. But I suspect that the ultimate answer to your question is they've got to have a place to put the snow, we talked about that before, I discussed it with Mr. Tremblay and the other neighbor, and I'm sure that that can be worked out in terms of the practicality of making sure that there is an opportunity to place it there. And part of it may be a discussion with a relocation of that pole as it sits there. Since we own all this property we can even move the pole back if we needed to because all the utilities are underground. So it's not as if that pole is needed other than perhaps for some light and that could probably be relocated and I will certainly work with UI to do it.

Mr. Fitzgerald: They could cart the snow away

Atty. Tyma: Well, you know, I'm not sure what the city would want to do. I guess that would be their feeling about all of it. But the way it exists now, they weren't apparently doing it right anyway. I think that was the complaint the last time, that they weren't doing it correctly

Mr. Cavallaro: No, the complaint was the trucks had to back into somebody's driveway to get out of there, that's what they were complaining about

Atty. Tyma: And what this does is it demonstrates that you can back right into this when you push the snow. In other words, there's enough room here with this to back up and in. If you push it in, you can back up. You can take a three point turn and you can back up in there. I just did it. Okay?

Mr. Conklin: Yeah, with a car

Atty. Tyma: No, but I understood the extra length, I'm very familiar with the fact of how big those trucks are. I'm sure that they can work within the dimensions without interfering with either the ability to have a house there, or with the neighborhood itself. Again, we're very open to working with whomever wants us to do something specific and I'll certainly talk with UI if they would want to relocate the pole.

Mr. Glover: Any other questions or comments from the Board? (no) Is there anyone in this room who is in favor of this application?

Mr. O'Connell: I just have a (unclear) I live on the street so I see what goes on

Mr. Glover: You have to come up here please. Would you please give your name and address for the record?

Mr. O'Connell: Yes, Chris O'Connell, 33 Edgewood Avenue

Mr. Glover: Where is that, sir?

Mr. O'Connell: This lot right here, adjacent to this one. So, this has been a huge problem since the beginning, this whole, so what happens now is some cars park here in front of that other house, that yellow house at the bottom, so there's mornings when the garbage truck just honks at 6:00 in the morning because he gets stuck. So I don't know if, if they do do this, can we put no parking signs up so no one parks on it, you know, because that's one thing is that the trucks get stuck there all the time and even snow plow what he'll do is he'll come up here and then this is really considered a private road because the city doesn't take care of it at all, and they still come up our road, so they'll come here and then they'll have to come all the way up here and then all the way down here.

Mr. Glover: And will that still be available to them?

Mr. O'Connell: Well I have no problem with it, but I'm just saying is that there's no way for that truck to ever turn around there, either a garbage truck or a snow plow.

Mr. Glover: So are you in favor of this application or are you opposed to this application?

Mr. O'Connell: On certain conditions that if someone parks here, because this house here they use it for parking all the time and usually they have three cars there, then it's not possible because a truck, nothing can get by it. We actually have trouble getting into our road because sometimes these cars will just line up and you have to scoot by right here. So I don't know what the chance of putting no parking signs there or, I don't know what, how that works, or you know, but that's our biggest complaint is that there's mornings where trucks will just honk for hours, city trucks, to try to get to turn around, they just can't turn around.

Mr. Cavallaro: I'm not sure no parking signs would be, I mean people have the right to park on the road, it would be kind of a disadvantage to people to do that, if they have company or whatever where are they supposed to park?

Atty. Tyma: I think there's plenty of places in the city where there are no parking signs and the traffic commissioner (unclear) able to do that, certainly that can be a recommendation. I think what's happening right now is, maybe I can approach it from a different end, I don't think this house is going to interfere at all with anything that's going on. If anything, maybe we can improve the situation. But I do agree with Chris that part of it is just people who are neighborly, you know, not going and taking advantage of the parking area that's down there.

Mr. O'Connell: I don't know if any of you have seen, have you seen the actual, yeah, it's a weird shape. It's just a weird, it's like this goes here and then there's not really much to the left, you know, and then our road is

Mr. Cavallaro: right it's like half the cul de sac

Mr. O'Connell: right, exactly, so there's only half a turn around and once you park two cars at the, at the end, you're dead. There's nowhere for any city truck to turn, you know. So, you know, and my problem is, is like you know, um, you know, where my wife is expecting so emergency vehicles and stuff like that. What happens if a fire truck has to come up there? We're dead, you know. I don't know where the closest hose is, but there's no way a truck could get up our road to service these homes.

Mr. Glover: Can they get there now?

Mr. O'Connell: I don't know the answer, we've

Mr. Glover: I mean does the development of this parcel make it worse?

Mr. O'Connell: Um, I don't think this house would affect it. I think really the question I have is this cul de sac just being functional, you know, not just half-assed, like make sure that it is really functional.

Atty. Tyma: And that's what we're trying to do in terms of addressing it and that's why he drew it up on there

Mr. Glover: Is it your intention to make the cul de sac?

Atty. Tyma: Yeah, well there's a partial, as Chris said, there's a partial cul de sac there

Mr. Cavallaro: But are you going to complete the cul de sac?

Atty. Tyma: Just the way it's shown. I know, that was the original (unclear)

Mr. Conklin: What's going to happen to this catch basin?

Atty. Tyma: Well, what they said is as, well the catch basin is either going to be raised or made appropriate with what's going on. In other words, you've got the easement already with the City. So whatever they ultimately want us to do as we go and make this circle correct so that people can get around it. The thought was it was raised the last time, that maybe they can fit like a mini school bus up there or something and this would allow that to happen if they wanted to. I mean the way it is right now because you only half a cul de sac and the way this comes down at the angle, it kind of pitches like this. So what you'll do is you'll actually even that out a little more, you'll be able to round it up. And so that's going to be part of what the project can do. So as it allows for the house to be put in here on an oversized lot, it also improves their situation and everybody else's up there. And again, I think, and you can correct me if I'm wrong, I think we tried to be very, very responsive to everybody's needs and concerns.

Mr. O'Connell: Yeah, I mean, it's in our best interests to not have it look like that. You know, we don't, I mean we buy these homes you know, that weren't cheap and then we have this that we drive home to every day. You know, so it is in our best interests to have the house built. I just want it done correct so we have no regrets. So once Al moves on out of the neighborhood then we have no regrets.

Mr. Glover: Did you let him into the neighborhood?

Mr. O'Connell: He let me into the neighborhood, unfortunately I didn't know what I was getting myself into.

Mr. Glover: Were you conned?

Mr. O'Connell: Kind of. We saw a big patch of dirt that we liked and we bought it.

Atty. Tyma: Well you can see that we've done a lot of work and I'm sure Chris is happy that we've done a lot of work on this house over here so we can try to conform it with the neighborhood and that was a 1920's colonial that had some major issues, so, we're getting much closer. Again, this would be new construction and I'm sure that we can work within the context of what the concerns are that are raised tonight.

Mr. Glover: Are you gentlemen set? Phil? Are you okay?

Mr. Cavallaro: Yes

Mr. Glover: Alright, thank you, sir.

Mr. O'Connell: Thank you.

Mr. Glover: Anyone else in favor of this application? (no response) Anyone opposed to this application? (no response) Chris, were you opposed or were you for it?

Mr. O'Connell: Um, I agree with it, I just want to make sure it's done right, not (unclear) I definitely

****Several talking at once****

Clerk: You keep talking when they're talking and I'm not going to get it.

Mr. Conklin: Can I talk now? This is the existing edge of pavement, you are not going to that gentleman's yard any further

Atty. Tyma: We are not going to go into the gentleman's yard. If we had to push it up, we'd just push it up along here because we do, you do have this existing easement over in there. So however far we'd have to go up to push it up to make it work for everybody, that's what we'll do.

Mr. Conklin: So you've taken this rough measurement after you bumped in this direction from the old drawing

Atty. Tyma: I guess that's what they did when they went out there. I mean I went out there with them, I held the tape and he's the one who when we drew up. But we looked at it, and we realized that we have room to go out this way. In order to do it there's no real, there's ledge up in here, but there's none right over here so you can actually physically accomplish that.

Mr. Glover: Has the City engineer seen this?

Atty. Tyma: I don't know if he saw the latest iteration. I think he's been, you know, periodically involved. I'm sure we have to deal with him at any point of time. I mean, originally he was asking for a small cul de sac way back when when we did the original subdivision and then the P&Z said no, a hammerhead would be okay. But I think what we're finding out is, if I could actually go and create the cul de sac that'll be preferable for the rest of the people in the neighborhood as well as for the property. So I think we can accomplish something positive for the neighborhood.

Mr. Conklin: I notice it's not, has not been signed by the City engineer on here

Atty. Tyma: No that's, I just got this yesterday, I guess, was it yesterday?

Mr. Glover: Well, I would recommend that we, that we close the hearing, but send this to be reviewed by the City engineer and add that to our hearing, his report to the hearing, because I don't want to advertise it, advertise it again just to see what, you know, the City engineer has to say.

Atty. Tyma: Isn't the normal situation that if you, if you were to vote on the approvals, etc., etc., that it can become subject to making sure the City engineer signs off. I mean he's got to sign off before we can do it, even if you have a variance. And I assume that, you know, the next situation would be P&Z has to look at it and the City engineer coincidentally will look at it. So, it probably makes sense to close the public hearing I would imagine.

Mr. Glover: Alright, any other questions from the Board? (no) Any other comments? Anybody from in the hall? (no response) Alright then, I'll declare the hearing closed.

Later that evening during the work session, upon motion by Mr. Conklin and seconded by Mr. Cavallaro, the Board unanimously voted to table a decision on this matter until the next hearing.

#307-3 39 Suren Lane, Edward Reilly, II of 131 Osborn Road, Naugatuck, CT is seeking to waiver Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 9 ft. for a 24x28 addition.

Mr. Glover: Mr. Reilly? (no response) Alright, this is the second month that Mr. Reilly has not showed up and there's no, there's

Mr. Jones: There's no communication from him?

Mr. Glover: Nobody's heard anything from him and we've advertised it twice now, we're not going to advertise it again. It will, at the end of the hearing we'll vote to deny it without prejudice. Alright go on.

#307-3 Later that evening during the work session the Board, upon motion by Mr. Jones and seconded by Mr. Conklin, unanimously voted to deny the application without prejudice for a variance in the setback from the left side yard for an addition in an R-1 zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated to the Board.

#307-4 35/37 Wakelee Avenue, Natalia K. Wittmer of 35/37 Wakelee Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 2 by varying the minimum lot area per dwelling unit from 5,000 sq. ft. to 1,666 sq. ft. for a three family dwelling.

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

Mr. Kucey: Yes sir. My name is John Kucey. I represent the applicant, Natalia Wittmer.

Mr. Glover: And you were here last month?

Mr. Kucey: We were here last month sir, and at that time you asked us for photographs and for diagrams. You wanted photographs of the interior of the unit and you wanted diagrams as to the floor layout and the room layout which we only have one set of photographs, but we do have several sets of the layout.

Mr. Glover: Alright, on the third floor you have a, a living room, kitchen, bathroom, a bedroom and a closet?

Mr. Kucey: Yes sir.

Mr. Glover: Is there a front door or a back door?

Mr. Kucey: There is a front door stair case and there is a rear second means of egress that is along the back of the house, which has been viewed by the Fire Marshal and approved by the Fire Marshal.

Mr. Glover: Alright, so you have had some contact with the Fire Marshal?

Mr. Kucey: Yes we have, yes sir.

Mr. Glover: And he's alright with the egress and

Mr. Kucey: He's alright with that sir, but he does want, you know, fire alarms, the lighting and you know, the appropriate hard wire system

Mr. Glover: Alright, so you have one bedroom in the attic

Mr. Kucey: Yes sir

Mr. Glover: And these are the living, this is the living room extension, so these are the dimensions of the rooms that are upstairs, is that it?

Mr. Kucey: Yes sir, each foot I guess is represented by two squares

Mr. Glover: right, I can see that. And what's on the second floor of this house?

Mr. Kucey: It's a regular apartment sir.

Mr. Glover: With its own kitchen?

Mr. Kucey: With its own kitchen and its own bathroom, yes sir.

Mr. Glover: And it has its own door?

Mr. Kucey: Yes sir

Mr. Glover: and back door?

Mr. Kucey: and means of egress, yes sir

Mr. Glover: And on the first floor?

Mr. Kucey: front and back doors, regular apartment with bathroom and kitchen

Mr. Glover: So, right now it has three kitchens?

Mr. Kucey: Yes sir.

Mr. Glover: Three bathrooms?

Mr. Kucey: Correct

Mr. Glover: and three living rooms?

Mr. Kucey: Yes sir.

Mr. Glover: And you had a certificate of occupancy from the building department

Mr. Kucey: Yes sir, right, I

Mr. Glover: Was that for the top floor?

Mr. Kucey: Well the entire building I believe, the entire building

Mr. Glover: Well, did he make it for the purpose of renting it?

Mr. Kucey: For the purpose of renting it, yes sir.

Mr. Glover: Well, if he did it for the purpose of renting it, he was doing it for a rental space

Mr. Kucey: Correct

Mr. Glover: which rental space did he do it for?

Mr. Kucey: that was the third floor, yes sir

Mr. Glover: The third floor?

Mr. Kucey: Yes sir.

Mr. Fitzgerald: And they're using ladders to get to the different floors, in case of fire?

Mr. Kucey: Oh no, no, there's regular stairs there, interior stairs

Mr. Fitzgerald: Because it says fire ladders to second floor

Mr. Kucey: That's for the third floor to the second floor, yes sir.

Mr. Surovov: There is a set of, there are two sets of stairs

Mr. Glover: You have to give your name and address for the record

Mr. Surovov: Peter Surovov, 113 Long Meadow Road

Mr. Glover: Would you spell that sir?

Mr. Surovov: S-U-R-O-V-O-V

Mr. Glover: S-U-R-O-V-O-V?

Mr. Surovov: That's correct

Clerk: Thank you sir.

Mr. Glover: Sir, what would you like to say?

Mr. Surovov: Well, I would like to say that there are two sets of stairs in the back and in front. And in front when you come in there are stairs for the second floor apartment and the third floor apartment. In the back there is a fire stair for the second floor apartment and for the third floor apartment.

Mr. Matto: Yeah, but interior stairs or exterior?

Mr. Surovov: There are interior stairs and exterior stairs, both

Mr. Matto: Yeah, okay

Mr. Glover: So this notation of fire ladder to the second floor porch, what does that mean?

Mr. Surovov: Uh, second floor porch, I should have made picture, you should have a picture there of the, here I have it on my camera

Mr. Matto: Yeah, he's showing a 34 inch window with a

Mr. Kucey: with the ladder

Mr. Matto: with a ladder, yeah

Mr. Kucey: yes sir

Mr. Matto: Yeah, so the Fire Marshal is happy with that as far as

Mr. Kucey: He's happy with that, yes sir

Mr. Surovov: I should have printed this, I don't know why I don't have prints, I have it on the camera. Here you can see it better

Mr. Kucey: He's indicated to my client, as I expressed last time, that he will work with her in installing, you know, having her install the appropriate alarm systems

Mr. Glover: Who is "he"?

Mr. Kucey: The Fire Marshal

Mr. Cavallaro: There are three electric meters there?

Mr. Kucey: No sir, there is only two

Mr. Surovov: This is from the back of the house, you can see that?

****Several talking at once – two conversations going on at once****

Mr. Glover: Time out, time out.

Mr. Kucey: There was a question

Mr. Glover: Are you guys down there talking, asking this gentleman? Alright, this gentleman here

Mr. Cavallaro: has the floor

Mr. Glover: has the floor and he's trying to show us that there is a stairway to the top floor

Mr. Surovov: It's on the back of the house

Mr. Glover: And in this camera, it appears that there is a porch and then a porch with a roof on it and then the top floor

Mr. Surovov: That's correct

Mr. Glover: Are there stairs from the top floor, because it doesn't show in this picture?

Mr. Surovov: Yeah, in this picture you cannot see it, but there is stair

Mr. Glover: And where do they go? Do they go up through the roof?

Mr. Surovov: They go through the, through the porch, not the porch but the deck. Because it was approved first time when the in-law apartment was, when the certificate of occupancy was issued, it was inspected by a Fire Marshal back then. It was a

Mr. Matto: Too bad the paper wasn't bigger we could see the layout, I only see different rooms, which one's where?

Mr. Glover: Alright, Phil, what was your question?

Mr. Cavallaro: I had a question about how many electric meters there were?

Mr. Kucey: There are two electric meters. What she's doing is paying for the electricity on the second meter for the second and third floor. That's part of her responsibility to the tenants.

Mr. Glover: And right now, it's got, it's a two family house with a legal in-law apartment right now

Mr. Kucey: Yes sir

Mr. Glover: And the in-law apartment, you don't have to go through the second floor to get to the third floor?

Mr. Kucey: No sir, it's got its own private staircase

Mr. Glover: What, what's the difference between a, its use now and a three family house?

Mr. Kucey: There'll probably be no difference except for the fact that she would like to standardize it as a, rather than an in-law, she would like to have it as a three family.

Mr. Glover: Is it a legal in-law now?

Mr. Kucey: It is a legal in-law, yes sir.

Mr. Glover: Where is there parking on this?

Mr. Kucey: On the side of the building there's parking for 4 cars and there's two cars in front of the building. There's a total of 6.

Mr. Glover: So you have two cars on the street or in front of the building?

Mr. Kucey: In front of the building in the street and 4 cars along side to the left of the building.

Mr. Matto: So it's 4 off, offsite in parking spots

Mr. Kucey: Yes

Mr. Glover: then you would need a variance for that too, correct? Ralph?

Mr. Matto: Well, yeah if there's

Mr. Glover: If there's a three family house you have to have 4 ½ parking spaces, 1 ½ per unit?

Mr. Matto: Yeah

Mr. Glover: That's what the code is?

Mr. Matto: They're starting to talk 2 now, but I don't know if it's in the book as 2, I know it always was 1 ½

Mr. Glover: Do you have a place where you can make more parking?

Mr. Kucey: Yes sir on the side, on this side of the building we can add parking for two additional automobiles

Mr. Glover: The parking that's there now, you say there's 4 off street parking now?

Mr. Kucey: 4 and 2 in front, yes sir

Mr. Glover: Do you have to shuffle the cars around to park them there

Mr. Kucey: No sir

Mr. Glover: So all 4 cars can come and go without having to move any other cars?

Mr. Kucey: Yes sir

Mr. Conklin: By adding another parking space on site you will still not have to shuffle cars?

Mr. Kucey: That's correct, yes sir

Mr. Cavallaro: Does the extra parking require another curb cut or can it be accessed from the existing driveway?

Mr. Kucey: It can be accessed from the existing driveway sir

Mr. Glover: And the only variance that you need at this point is lot area per dwelling unit from 5,000 to 1,666, is that correct?

Mr. Kucey: Yes sir

Mr. Surovov: May I ask a question about that?

Mr. Glover: Yes

Mr. Surovov: We're not really building anything this (unclear) variance, (unclear) it's already an existing thing, so I'm trying to understand what this variance is

Mr. Glover: Well the gentleman apparently has a 2 family house that he wants to make it a 3 family house

Mr. Surovov: Well it was 2 family house and in-law apartment, so the number of cars doesn't change, number of parking doesn't change

Mr. Glover: Then it doesn't have to change from a 2 family house to a 3 family house either, that doesn't have to change. We can leave it a 2 family house with an in-law apartment and we don't even have to be here

Mr. Kucey: We don't want to do that, no sir

Mr. Surovov: That's not an option

Mr. Kucey: We don't want to do that, no sir

Mr. Matto: It's, the in-law apartment you say is legal

Mr. Kucey: yes sir

Mr. Matto: forgetting that, it's recorded as a 2 family, is that correct?

Mr. Kucey: Uh, yes, yes sir. Well, it's recorded as a building, you know, in the Assessor's office it shows as a 2 plus in-law apartment

Mr. Glover: The Assessor's card shows it as a two family house with an in-law apartment

Mr. Kucey: Yes sir, right

Mr. Glover: How many bedrooms are on the top floor?

Mr. Kucey: One

Mr. Glover: How many bedrooms are on the second floor?

Mr. Kucey: Two

Mr. Glover: And how many bedrooms are on the first floor?

Mr. Kucey: Two, there's a total of 5

Mr. Glover: The reason I'm asking it is, if you had three bedrooms, if you had three bedrooms then you could have a husband and wife and two children. And you could have two children on the first floor and two children on the second floor and those children need a place to play and that's why there's 5,000 sq. ft. per dwelling unit and you're asking for us to reduce it from 5,000 to 1,666. If there's only two bedrooms, then perhaps there's only two kids in the house, or if they double up in that bedroom, perhaps 4, but there's not 8 or 10

Mr. Kucey: That's correct

Mr. Glover: So that, and the top has one bedroom

Mr. Kucey: Yes sir

Mr. Glover: Okay, so it's unlikely that there's going to be any children upstairs using the fire ladder.

Mr. Kucey: That's correct, yes sir.

Mr. Glover: Alright, any other questions from the Board? (no) Anyone else in this room in favor of this application? (no) Is there anyone opposed to this application? (no response) Any final questions?

Mr. Conklin: there is no living area in the basement, correct?

Mr. Kucey: No sir, just a regular basement

Mr. Glover: Alright, having no more comments, I'll declare the hearing closed.

Mr. Kucey: Thank you very much for your time this evening

Mr. Glover: Have a nice night.

Mr. Kucey: Thank you sir.

#307-4 Later that evening during the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Matto, unanimously voted to deny the application for a variance in minimum lot area per dwelling unit for a three family house in an R-5 zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#307-5 34 Mayflower Lane, Roberta McLoughlin of 34 Mayflower Lane, Shelton, CT is seeking to waiver Section 35.7.1b by varying the left side yard from 20 ft. to 14 ft. for a garage with family room above.

Mr. Glover: Roberta McLoughlin?

Clerk: No show

Mr. Glover: Alright, this is the second one that hasn't showed in two months, so let's go on.

#307-5 Later that evening during the work session the Board, upon motion by Mr. Jones and seconded by Mr. Conklin, unanimously voted to deny the application without prejudice for a variance in the setback from the left side yard for a garage and family room addition in an R-1/PRD zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated to the Board.

#407-2 14 Emerald Ridge Court, John K. Fitzgerald of 318 Meadow Street, Shelton, CT is seeking to waiver Section 24.11.2 by varying the minimum lot area from 60,000 sq. ft. to 53,570 sq. ft. and Section 24.2 by varying the minimum square on the lot from 150 ft. to 140 ft. for a 3,000 sq. ft. colonial with attached garage.

Mr. Glover: Alright, Mr. Fitzgerald? Jack, I'm guessing you're going to recuse yourself?

Mr. Fitzgerald: Yes

Mr. Glover: Let the record show that Mr. Fitzgerald has recused himself and John K. Fitzgerald is here in front of us. John, give your name and address

Mr. John Fitzgerald: Good evening, John K. Fitzgerald, 318 Meadow Street, Shelton. Certified receipts of mailing. Photos of front, rear, left and right of the property.

Mr. Glover: What can you tell us John?

Mr. John Fitzgerald: This property is an interior lot in an R-1 zone, and we're looking to reduce the minimum square required for the building from 150 feet to 140 feet, it actually has 143 feet, for the purposes of constructing a colonial.

Mr. Glover: Alright, the lot that's back there, did you create that lot or did it exist?

Mr. John Fitzgerald: This is an existing interior lot.

Mr. Glover: So you have an existing interior lot. You bought it as such?

Mr. John Fitzgerald: I bought it as such

Mr. Glover: And didn't we give you an easement, a variance for the front (unclear) on the cul de sac?

Mr. John Fitzgerald: Correct. When this street was built, there's a variance was granted in 1999 to have an access-way for this lot

Mr. Glover: For that lot. So the access-way was granted, the lot existed, but the lot was a pre-existing non-conforming lot

Mr. John Fitzgerald: That's correct

Mr. Glover: So you have a pre-existing non-conforming lot and its only non-conformity is the square on the lot?

Mr. John Fitzgerald: The other non-conformity is square footage, which we're not counting the area underneath the CL&P easement in the calculation, although there's a gross area of 76,000

Tape had to be changed

Mr. John Fitzgerald: there is a gross area of 76,000 sq. ft., if you deduct this area out of here you come up with 57,000 sq. ft., so the variance is also seeking reduction of the square of, square area

Mr. Glover: The bulk area of the lot

Mr. John Fitzgerald: bulk area of the lot

Mr. Matto: What is that an overhead easement?

Mr. John Fitzgerald: Yeah, there's an overhead easement

Mr. Glover: But it was a lot before

Mr. John Fitzgerald: Prior to

Mr. Glover: So we have a pre-existing non-conforming lot that doesn't exist to present day zoning because of the shape of it, the square on the lot and because there's an easement to it, through it

Mr. John Fitzgerald: That's correct

Mr. Matto: So it's all land hardships

Mr. Glover: It's all land hardships

Mr. Matto: And in, on a rear lot Gerry, do you, do you, do you have to conform with the square? You have to conform with 40 foot setbacks

Mr. Glover: Yes

Mr. Matto: But do you have to conform with the square? I don't believe so

Mr. Glover: I don't know

Mr. Matto: He's got 40 foot setbacks

Mr. Glover: He's got the 40 foot setbacks

Mr. John Fitzgerald: There's 40 foot setbacks

Mr. Matto: yeah, with no variance required

Mr. Glover: Right, first of all if this were not a pre-existing non-conforming lot, it certainly is a weirdly, oddly shaped lot.

Mr. Matto: yeah

Mr. Glover: Uniquely shaped lot

Mr. Matto: correct

Mr. Glover: So I mean, you would probably have a hardship because of the shape of the lot, because it's so long and narrow that

Mr. Matto: right, but it exists

Mr. Glover: But it does exist, so your hardship is you have a pre-existing non-conforming lot and in its pre-existing state it doesn't conform to zoning

Mr. John Fitzgerald: That's correct. It's serviced by city water and city sewer as well

Mr. Matto: So the only thing you need is the square on the lot, if in fact, you do need it for a rear lot

Mr. Glover: Yeah, if we grant it to him he's got it. Any other questions from the Board? (no) Anyone else in the room in favor of this application?

Mr. John Fitzgerald: I have letters of support from surrounding neighbors if the Board would like those? There's a total of 5 from the surrounding neighbors.

Mr. Glover: Did you write the letter and have them sign it?

Mr. John Fitzgerald: I did

Mr. Glover: So the verbiage is the same on all of them?

Mr. John Fitzgerald: The verbiage is exactly the same on all. I personally visited each person there, Mr. Zak, Mr. Badowski,

Mr. Glover: that's fine, we'll read one into the record and then read the names of the other four.

Mr. Jones read letter: "April 3, 2007. Mr. Glover, Chairman, City of Shelton, Zoning Board of Appeals, 54 Hill Street, Shelton, CT 06484. Re: Zoning Variance, 14 Emerald Ridge Court. Dear Mr. Glover, I am aware of John K. Fitzgerald's application for a variance for reduction of minimum building square from 150' to 143' and reduction of lot area required from 60,000 sf to 53,571 sf. I have no objections to these variances which, when approved, will allow him to build a house at 14 Emerald Ridge Court. Sincerely, Mr. & Mrs. Mark

Badowski, 296 Meadow Street, Shelton, CT 06484.” Same letter signed by Mr. Walter Zak, another signed by Mr. & Mrs. John R. Fitzgerald, another one signed by Mr. & Mrs. William Chappa and finally one more signed by John & Jean Glenn, all neighbors at Emerald Ridge and Meadow Street

Mr. Glover: Most of them are abutting neighbors

Mr. John Fitzgerald: They are all abutters starting from this point, Badowski, Zak, Fitzgerald, Chappa and Glenn. Mr. Albert called on Friday night, he would be out of town. He stated he has no issue. He called at 7:15 on Friday night and he has no issue. He did come down to town hall and look at the application and said he would have no problem with it.

Mr. Cavallaro: Two of the letters were from people directly in front?

Mr. John Fitzgerald: Uh, Fitzgerald, Chappa and Glenn. And this house is situated so that there's tree buffers here so it'd be in between both

Mr. Conklin: Is there a buffer along the back at all?

Mr. John Fitzgerald: I maintain my own tree buffer here. Mr. Williams has his house (unclear) plum trees here. There's a good 40 or 50 feet. I maintain 10/15 feet and this area in here is all trees, as well as this tree buffer in here. There's always a tree buffer around all these houses on Emerald Ridge, 30 feet.

Mr. Conklin: Do you have any objection to maintaining at least a 10 or 15 foot buffer along the back side?

Mr. John Fitzgerald: I have no, I have no objection to that at all. I prefer that.

Mr. Conklin: Okay

Mr. John Fitzgerald: I have cedars that I planted here myself and we manicured the cedars along the way and got rid of the scrubs for privacy, which it shows those in the pictures.

Mr. Glover: Any other questions from the Board? (no) Alright, then I'll declare the hearing closed. Thank you John.

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

#407-2 “In the application of John K. Fitzgerald of 318 Meadow Street, Shelton, CT for a certificate of approval for a 3,000 sq. ft. house with attached garage to be located on the property of the applicant at 14 Emerald Ridge Court, R-1 zone and which requires variances in minimum lot area and dimension of square

The application for variances is approved.

Inasmuch as it is a pre-existing non-conforming lot, and

Inasmuch as it is in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for variances in minimum lot area from 60,000 sq. ft. to 53,570 sq. ft. and dimension of square from 150 ft. to 140 ft. at the above is granted (Section 24.11.2 and 24.2) in this instance.

Stipulation: The applicant shall provide a minimum of a 10 foot vegetation buffer along the rear property line.

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.”

#207-1 Constitution Boulevard South, Map 92, Parcel 86, Shelton Heights Joint Venture, c/o Atty. D. Thomas, 315 Main Street, Derby, CT is seeking to waiver Section 24, Schedule B, Standards 1 and 3 by varying the minimum lot area from 40,000 sq. ft. to 31,321 sq. ft. and dimension of square from 150 ft. to 105.6 ft. for a building lot.

Later that evening during the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Cavallaro voted four to one (Mr. Conklin, Mr. Cavallaro, Mr. Jones and Mr. Glover voted for the motion and Mr. Conklin voted against the motion) to deny the application for variances in minimum lot area and square on the lot for a building lot in an R-1 zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated and the Board felt it was not in harmony with the rest of the immediate neighborhood.

Approval of Minutes

During the work session the Board, upon motion by Mr. Matto and seconded by Mr. Conklin, unanimously voted to approve the minutes of the March 20, 2007 hearing as submitted by the Clerk.

Respectfully submitted,
Loreen Michalak, Clerk