

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, August 21, 2007 at 7:30pm

AGENDA:

- #707-1 Carol Hyder at 70 Beecher Avenue
- #707-4 Susan Begley at 34 Ballaro Drive
- #807-1 Thomas Maier at 22 Wake Robin Lane
- #807-2 Richard DeVecchio at 15 Huntington Avenue
- #807-3 Tracy H. Lewis at Booth Hill Road, Assessor's Map 14, Lot 7
- #807-4 Manuel Afonso at 18 Greenfield Drive
- #807-5 Carol Jacobsen at 104 Long Hill Avenue
- #807-6 Brian J. Mooney at 20 Buddington Road
- #807-7 SB Custom Builders, LLC at River Road & Petremont Lane, Assessor's Map 66, Parcel 1

Possible Decision on

- #707-7 Kazimierz Zimnoch at 470 Huntington Street
- #707-8 Kazimierz Zimnoch at 470 Huntington Street, rear

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; Jack Fitzgerald, Linda Adanti, Jamie Jones, Phil Cavallaro, and Ed Conklin.

Mr. Glover: Alright, good evening ladies and gentlemen and welcome to the August meeting of the Shelton Zoning Board of Appeals. We have a, kind of a lengthy agenda tonight so we'll try to move it as fast as we can. The Zoning Board of Appeals monthly, meets monthly, to listen to variances. When you speak to us here tonight you're giving testimony. We record it on a couple of tape recorders and later it's transcribed by our clerk. The tape recorders are old but they are sensitive enough that if you have conversations in the room it will pick them up and it will make it very difficult for Lori to transcribe them during the week. Because, because the transcription is the record of the meeting and that's what goes to court, it's important that we create a good record. So I'd appreciate it if you're going to talk on your cell phone or talk with your neighbor, that you go out in the hall or go someplace else and do it so that we don't pick up your conversation on the tape. Our regulations require you to have notified your abutting neighbors. You should have a receipt with you showing that you did comply with that regulation. You should also be bringing to the Board four pictures, one of the pictures should show that the property was placarded with the yellow placard that you should've received in the mail. When it comes time for your hearing, I will ask for both the placard, uh, the pictures and the receipts and if you have them then we will go on with the hearing. And if you do not have them then we will postpone the hearing and continue it until next month when hopefully you can bring the pictures and notify your neighbors. With us tonight on my left is Commissioner Jack Fitzgerald, Commissioner Linda Adanti, Lori Michalak, our Clerk. I'm Gerry Glover. To my right is Jamie Jones, to his right is Ed Conklin and to his right is Phil Cavallaro.

#707-1 66 Beecher Avenue, Carol Hyder of 70 Beecher Avenue, Shelton, CT, is seeking to wavier Section 24, Schedule B, Standard 1 by varying the minimum lot area from 7,500 sq. ft. to 6,000 sq. ft. for a lot line relocation.

Mr. Glover: Alan, is that you?

Atty. Tyma: That's me

Mr. Glover: Would you come up and take a seat please?

Atty. Tyma: Carol Hyder is with me, the owner of the property. Good evening

Mr. Glover: How are you?

Ms. Hyder: Fine

Atty. Tyma: How is everyone?

Mr. Glover: Would you please give your names and addresses for the record?

Atty. Tyma: Thank you. My name is Attorney Alan Tyma at Ryan and Tyma across the street at 231 Coram Avenue here in Shelton.

Ms. Hyder: I'm Carol Hyder, I live on 70 Beecher Avenue in Shelton, Connecticut

Mr. Glover: Welcome

Ms. Hyder: It's nice to be here

Atty. Tyma: First of all, if I can give you receipts and the letters

Mr. Glover: I believe we have the pictures in the file

Atty. Tyma: And I think you do, but I have others if you need them. I certainly have the placarded thing. I'm not sure if you have that or not.

Mr. Glover: That's probably the one that we know should be in the file. I think the rest of them we have here.

Atty. Tyma: Absolutely, okay

Mr. Glover: So we have your pictures and these are all the abutting neighbors?

Atty. Tyma: These are the abutting neighbors I believe. And I believe also I have other information that I'd like to present to the Commission before we're through this evening. Briefly speaking, this is a 1942 constructed residence. Carol is the owner. She and her brother, who recently passed on, were the owners of this, but this is the house of their parents. She built next door. These were originally three 50x100 foot lots and in that particular neighborhood, and I have pictures here for the Commission to take a look at them, but they're mostly 50x100 foot lots. At some point of time they changed the regulations after this construction had been done. Back in 1942 there were very little if any regulation, there were no city water, there was no city sewer. What happened is they had basically a septic system and when they first constructed the house, that septic system went over the side where that 50x100 square foot was, or 50x100 foot boundary was, so therefore they couldn't really build when Carol built her house next door with her husband Mike, who lives here, they really couldn't take advantage of the three 50x100 foot lots. So basically, they ended up after much ado with two 75 foot frontage lots and Carol and her husband still reside at 70 Beecher which is adjacent to that. So what they're looking to do and again, for the Commission's edification, this is just a copy of the Assessor's map and Beecher Avenue is here and you can see their homes are here with two 70x100, but most of the other lots up in here are 50x100, pretty much all the way around most of these roads here. And to just give you an idea, there's a number of pictures I'll just pass around which show construction in the area, which is, some of it's new and some of it's older, but all these being on 50x100 lots. And actually there's a number of homes in the area, we just took a picture of one of them over here, which is really pretty close in terms of what the a, the side lines are. So there's, there's always concern about that. Because these were built at some point of time where there didn't appear to be any uniformity to what's going on. One uniformity we know is that the conformity with the neighborhood is really the 50x100 standard. And what Carol is looking to do because she's living there, she would like to have a little more area for her house. She actually is talking about family, with family about purchasing the other house because it's a fixer upper. If you look at it vs. the other places it really needs some work and so a family member is probably going to become the new owner of it at some point in time with the idea of fixing that all up. And everyone in the neighborhood understands, Carol's well liked in the neighborhood and they've all agreed that actually a 60x100 lot would clearly be in greater conformity with the neighborhood than their actually exist in their homes. And so we've actually had a petition go out through the neighborhood to try to canvas all of the residents that are adjacent and all of these are neighbors who have been agreeable. And if you can look at the petition it's just basically supporting the variance request this evening. So that's pretty much almost a full 100% canvas of the neighbors. And again, this is just, you know, their lots are in green over here. The most important thing I suppose is when they did the construction of the older house, again, they had to have a septic system. That's not necessary now. There is in fact public sewers. And so that that side yard which they would have had used, been able to use it for three homes, only ended up with the two homes and what we're trying to do is just honor the fact that they are living there and they've been there for some period time. And they would

just like to have a little better side yard and it doesn't affect any of the other homes because it's pretty much larger than the conformity of the neighborhood.

Mr. Fitzgerald: They've got all the facilities they need

Atty. Tyma: Pardon me?

Mr. Fitzgerald: They've got all the facilities they need

Atty. Tyma: Everything is all done, through the city yes, absolutely.

Mr. Glover: Alright, so Alan, what you're telling me is that originally these were three 50x100 lots

Atty. Tyma: Correct

Mr. Glover: Because in the past the need of a septic system, instead of building three houses, they built two

Atty. Tyma: In various periods of time. One was in the 40's, one was in the 60's

Mr. Glover: But they built two and both lots are 75x100

Atty. Tyma: That's correct, they just turned out to be 75x100 because that's what ended having to happen because of the septic

Mr. Glover: And you live in 70?

Ms. Hyder: Yes, sir

Mr. Glover: Okay. You live in 70 and what you'd like to do is you'd like to take 15 feet from 66

Ms. Hyder: I'd like to take at least 10 feet

Atty. Tyma: But the 15 feet leaves you the 8 foot side yard

Mr. Glover: But you'd like to take area from 66

Ms. Hyder: yes, sir

Mr. Glover: and add it to 70

Ms. Hyder: yes, sir

Mr. Glover: So that, so that your lot which is 70, right is that correct?

Ms. Hyder: Yes, sir

Mr. Glover: will be larger and the problem will be is that 66 will then be 15 feet smaller than it is

Atty. Tyma: It will be 1500 sq. ft. smaller because it's a 100 foot depth lot, that's correct

Mr. Glover: And when you do that 66 will still maintain the proper setbacks of 8 feet, is that what you're telling me?

Atty. Tyma: On the side line that we're taking, absolutely

Mr. Glover: Alright. So you have just an issue of the square footage of the house

Atty. Tyma: That's my understanding

Mr. Glover: And all the houses in the neighborhood, not all of them, but the majority of them, are 50x100

Atty. Tyma: That's correct

Mr. Glover: And any other lots that are in this neighborhood are divisible by 50

Atty. Tyma: It's my understanding that they all are. They were all originally 50 foot lots in all of those neighborhoods

Mr. Glover: Is there a, on the side of, between 70 and 66 is there, is there a garage on 66?

Ms. Hyder: It's adjacent to the house. It's built off the house

Mr. Glover: Okay, um, the driveway is not

Ms. Hyder: It's not finished

Mr. Glover: the driveway is not within the 15 feet that you're taking

Ms. Hyder: No, sir

Mr. Glover: Are both houses connected to sewers now?

Atty. Tyma: Yes, sir

Mr. Glover: Is the sewer line for 66 going to remain on the, the property that stays with 66?

Atty. Tyma: That's my understanding. It's all on the same property

Ms. Hyder: It's on the other side of the house

Atty. Tyma: Yes. It has nothing to do with any easements or anything

Mr. Glover: How about the water line?

Ms. Hyder: It's on the other side of the house also

Mr. Glover: So that if we slice 15 feet off of 66 and add it to 70, we don't hurt any of the utilities

Atty. Tyma: The utilities are on the individual properties

Mr. Glover: Okay.

Mr. Fitzgerald: Do you know if the laterals are in for the third lot?

Atty. Tyma: No there's not going to be a third lot. I have no idea. This goes back to the 40's when those were in, so I assume that there probably aren't any in there. I'm not aware of that

Mr. Fitzgerald: Okay

Mr. Glover: We're not creating a lot

Atty. Tyma: There's never, you're never going to get a third lot out of it

Mr. Glover: There's two lots, it's just, we're divvying up the lots a little bit different

Atty. Tyma: it's just where the lot line is. All we're doing is just looking at where the lot line is, that's all. And again, it's owned by Carol on both sides, but she only lives in one of the homes.

Mr. Glover: But she owns both of them

Atty. Tyma: In fact she does.

Mr. Glover: And this is the petition that you've sent to the neighborhood?

Atty. Tyma: Yes, sir

Mr. Glover: Would you read that Jamie?

Mr. Jones read petition: "We the undersigned neighbors support the variance applied for by Carol Hyder, of 70 Beecher Ave., to change 66 Beecher Ave. minimum lot area from 7500 sq. ft. to 6000 sq. ft. which will conform with the neighborhood." And it is signed by 22 I guess the neighbors on Beecher and Wells Avenues.

Mr. Glover: Alright, does the Board have any other questions for Attorney Tyma or the applicant?

Mr. Conklin: The house on 66 also has, it looks like an out building that's a non-conforming issue also. Is that true or

Atty. Tyma: I'm not sure if

Mr. Conklin: I'm going by the Assessor's map, it shows an out building

Ms. Hyder: That's the garage with the room over the top of it

Mr. Conklin: No, over back on the property

Ms. Hyder: May I

Mr. Conklin: This shows another out building all the way back here

Unidentified voice: That was a shed

Atty. Tyma: I think it was a shed, I'm not sure if it's non-conforming

Ms. Hyder: No there's no shed, it's no longer there

Atty. Tyma: I don't think it's there

Ms. Hyder: This is a front porch

Mr. Conklin: Right, I understand that,

Ms. Hyder: This is a back porch

Mr. Conklin: Right, I'm just talking about this

Atty. Tyma: I don't believe that that's there anymore

Ms. Hyder: No, that's not, no, that's nothing, that was years and years ago

Atty. Tyma: I think sometimes we're a little dated with the Assessor's maps

Ms. Hyder: It was taken down many many years ago

Unidentified voice: There's a picture of the back property and that shows that there's nothing there

Mr. Glover: Alan are there any, I mean, any other questions from the Board? (no) Is there anyone in this room who is in favor of this application? (yes) Would you come forward please? Would you please give your name and address?

Ms. : Melissa ?unclear?, 39 Scotland Street in Ansonia. I actually will be purchasing this house

Mr. Glover: You will?

Melissa: From my aunt and uncle.

Mr. Glover: you're going to purchase 66

Melissa: Yes

Mr. Glover: And so you, you don't mind losing the 15 feet

Melissa: Not to them, no. I intend to make that my permanent residence with my husband and my daughter

Mr. Glover: But you're in favor of this

Melissa: Absolutely, yet

Mr. Glover: Sir, your name please?

Mr. Hyder: Michael Hyder, I'm Carol's husband, Michael

Mr. Glover: Lucky man

Mr. Hyder: Yes sir

Mr. Glover: and you're in favor of this?

Mr. Hyder: Yes, yes, I am

Mr. Glover: You want 15 more feet of property too

Mr. Hyder: Yes sir.

Mr. Glover: Anyone else in favor? (no response) Is there anyone who is opposed to this application? (no response) Any opposition? (no response) Any final questions or comments from the Board? (no) Then I'll declare the hearing closed. Thank you.

Atty. Tyma: Thank you very much

Mr. Glover: Have a nice evening

Ms. Hyder: Thank you very much.

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

#707-1 "In the application of Carol Hyder of 70 Beecher Avenue, Shelton, CT for a certificate of approval for a lot line relocation on the property of the applicant at 66 Beecher Avenue, R-4 zone, and which requires a variance in minimum lot area,

The application for a variance is approved.

Inasmuch as the transfer of property involves the same property owner and produces a lot consistent with the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in minimum lot area from 7,500 sq. ft. to 6,000 sq. ft. at the above is granted (Section 24, Schedule B, Standard 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.”

#707-4 34 Ballaro Drive, Susan Bagley of 34 Ballaro Drive, Shelton, CT, is seeking to waiver Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 30 ft. to 12 ft. for an 18x32 one story addition with 18x5 deck.

Mr. Glover: Good evening

Ms. Begley: Good evening

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

Ms. Begley: Susan Begley, 34 Ballaro Drive, Shelton, CT

Mr. Glover: And would you give me some receipts and some pictures?

Ms. Begley: Pictures and receipts

Mr. Glover: And these are all your abutting neighbors?

Ms. Begley: Yes

Mr. Glover: And you want to put an addition onto your home, is that correct?

Ms. Begley: Yes, I'm looking to put on a, an in-law apartment for my mother. She just turned 80, my dad passed away three years ago and I'm the only daughter.

Mr. Glover: Alright

Ms. Begley: And I don't want her living in my house. This is the next best thing.

Mr. Glover: I think she's still going to be there

Ms. Begley: Well, yeah, we have to work those out

Mr. Glover: Alright, so your addition is going to be 18x32?

Ms. Begley: Yes, it will run, it will not, in the front it will not exceed the existing house. It'll go from house to house. The deck will

Mr. Glover: Is that 32 feet?

Ms. Begley: That is 30, no, it's actually 37 feet. It'll, the 32 will be the living area and then the additional 5 feet will be a deck. And then that will, that's what my house is 38 feet

Mr. Glover: Okay, and so the variance that you need is just a side line from 32 to 12.

Ms. Begley: Yes, the only, really the only person that my property borders that it impacts, is Deana Marks, formerly Deana Barallaro, and she even came over and spoke with my mother. I was not home. And from her conversation they do not have an issue. They don't live on that side of there house. And, you know, she was fine with it.

Mr. Glover: This is served by a septic system?

Ms. Begley: Yes

Mr. Glover: And by city water or a well?

Ms. Begley: City water

Mr. Glover: City water. And is this a one story structure?

Ms. Begley: Yes. No kitchen, it'll just be, it'll be a living room, full bath, bedroom, deck

Mr. Glover: Well, if it's not going to have a kitchen, it's just an addition, it's not an accessory unit

Ms. Begley: Oh okay, well

Mr. Glover: When you go into an accessory apartment there's a whole bunch of other rules that apply

Ms. Begley: Oh okay

Mr. Glover: So if you go upstairs and tell them you're going to put an accessory apartment in, you're going to have more of a headache then you'll want

Ms. Begley: Okay

Mr. Glover: so as long as it doesn't have a kitchen it's an addition

Ms. Begley: just an addition

Mr. Glover: right, and if it's just an addition it can be any size. If it's an in-law addition it can't be any bigger than 900 sq. ft., so it's just an addition

Ms. Begley: Okay

Mr. Glover: It's the only place to put it?

Ms. Begley: Uh, it is. It's, I have, most of my property, I have a lot of land but most of it is wetland

Mr. Glover: I can see that

Ms. Begley: And, this, this is the farthest my house is from wetland

Mr. Glover: In fact your house is in the buffer

Ms. Begley: Yes, if it was built today, it would not be built

Mr. Glover: So you have a building lot that is, is probably safe to say that $\frac{3}{4}$ of it is wetlands

Ms. Begley: Yes

Mr. Glover: And the part that the house is built in, almost the rest of it is the 50 foot buffer that you can't build in

Ms. Begley: Correct

Mr. Glover: I guess there is no place, other place for this to build on

Ms. Begley: No

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

Mr. Cavallaro: I didn't see the map

Mr. Conklin: Is there Valley Health approval

Ms. Begley: I've gotten approval for that and I've passed inland/wetlands

Mr. Glover: Questions Phil?

Mr. Cavallaro: You're not going to put any kind of a front door on the addition are you?

Ms. Begley: No, the door it would go on the side. So it would actually face Deana's house, not face the road.

Mr. Glover: She could actually, she could actually do that if she wanted to

Ms. Begley: A front door?

Mr. Glover: Because it's not an accessory unit

Ms. Begley: I could do a front door?

Mr. Glover: Yes

Ms. Begley: Oh. I'm not sure I want to but I didn't think I was allowed to. We just assumed it was

Mr. Glover: You're not allowed to if it's an accessory unit apartment

Ms. Begley: But it's just an addition

Mr. Glover: without a kitchen you can put a front door

Ms. Begley: Oh interesting, okay

Mr. Glover: Phil, any questions?

Mr. Cavallaro: No, other than about the reserve for the septic?

Mr. Glover: Well, she's got approval from the Valley Health, so she's gone through that hurdle

Mr. Cavallaro: No other questions

Mr. Glover: Alright, any other questions from the Board? (no) Anyone else in this room in favor of this application? (no response) Anyone opposed to this application? (no response) Any opposition? (no response) Final questions or comments? (no) I'll declare the hearing closed. Thank you very much.

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

#707-4 “In the application of Susan Begley of 34 Ballaro Drive, Shelton, CT for a certificate of approval for an 18x32 one story addition with 18x5 deck to be located on the property of the applicant at 34 Ballaro Drive, R-1 zone, and which requires a variance in setback from the right side yard,

The application for a variance is approved.

Inasmuch as it is the only place on the property the addition can be built due to the existence of wetlands on the property , and

Inasmuch as the proposal 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 a variance in setback from the right side yard from 30 ft. to 12 ft. at the above is granted (Section 24, Schedule B, Standard 9) 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.”

#807-1 22 Wake Robin Lane, Thomas Maier of 22 Wake Robin Lane, Shelton, CT is seeking to waiver PRD - Section 35.7.1, by varying the setback from the right side yard from 20 ft. to 10 ft. for an 18x33 above ground pool.

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

Mr. Maier: Tom Maier, 22 Wake Robin Lane in Shelton, CT

Mr. Glover: And do you have some picture and some

Mr. Maier: I have pictures

Mr. Glover: receipts

Mr. Maier: and receipts and that’s the one with the sign and a letter from the neighbor who the pool is going to be

Mr. Glover: And these are your abutting neighbors?

Mr. Maier: Yeah

Mr. Glover: It looks like your whole backyard is pretty steep?

Mr. Maier: Uh, the back part of it is, the buildup part is all leeching fields, so

Mr. Glover: yeah and it’s all leeching fields back there

Mr. Maier: That’s yeah, I proposed last year to put it and I was too close to the wetlands. I was going to go back to the yard and

Mr. Glover: Alright, so you’re going to put an above ground pool

Mr. Maier: Yes

Mr. Glover: and when you do this pool, you’re going to be 10 feet from the property line

Mr. Maier: Correct

Mr. Glover: Within that 10 feet are there going to be any pumps

Mr. Maier: No

Mr. Glover: Where will the pump be, the filter?

Mr. Maier: The filter will be, based on the, you know, the distance way from the house over on this side

Mr. Glover: Okay, so your filter won't be encroaching on your neighbor. They won't have to listen to the noise of the pump.

Mr. Maier: No, no

Mr. Glover: and it looks like this is the only place you can put this pool

Mr. Maier: I tried everywhere, yeah

Mr. Glover: Let us read this into the record

Mr. Jones read letter: "Shelton Planning & Zoning. Tom & Sue Maier have shown me their plans to install an above ground pool. It will be within 10 feet of our property line. We are okay and support where they want to place the pool. We recommend that the variance is approved. Mike Wardell, 8/20/07."

Mr. Glover: And Mr. Wardell is the one you're encroaching on?

Mr. Maier: Yes

Mr. Glover: you will take a permit for the pool

Mr. Maier: Absolutely

Mr. Glover: and follow all the safety regulations of the building code

Mr. Maier: absolutely, yeah

Mr. Glover: Does the Board have any other questions for the applicant? (no) Is there anyone in the room in favor of this application? (no response) Is there anyone opposed to this application? (no response) Any opposition? (no response) Final questions? (no) Then I'll declare the hearing closed. Thank you.

Mr. Maier: Thank you.

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

#807-1 "In the application of Thomas Maier of 22 Wake Robin Lane, Shelton, CT for a certificate of approval for an 18x33 above ground pool to be located on the property of the applicant at 22 Wake Robin Lane, PRD #7, and which requires a variance in setback from the right side yard,

The application for a variance is approved.

Inasmuch as it is the only location the pool can be placed due to the existence and location of wetlands and leeching fields on the property, and

Inasmuch as it will be in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in setback from the right side yard from 20 ft. to 10 ft. at the above is granted (Section 35.7.1) in this instance.

This certificate of approval is contingent on: (1) 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; (2) The pool pump not being located within the setback; and (3) The PRD #7 not having any restrictions conflicting with this variance.

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.”

#807-2 15 Huntington Avenue, Richard DelVecchio of 15 Huntington Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 25 ft. to 15 ft. for a 12x27 deck

Mr. Glover: Good evening

Mr. DelVecchio: Good evening

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

Mr. DelVecchio: Richard DelVecchio, 15 Huntington Avenue, Shelton, CT

Mr. Glover: And Mr. DelVecchio have you got some pictures and receipts for me?

Mr. DelVecchio: Yes sir

Mr. Glover: Pretty easy isn't it?

Mr. DelVecchio: So far

Mr. Glover: You lost your deck

Mr. DelVecchio: I took it down before, I got a little ambitious

Mr. Glover: Did you disable that back door?

Mr. DelVecchio: Yes

Mr. Glover: It's a big step

Mr. DelVecchio: A little bit.

Mr. Glover: Alright, so you took the deck down and now you're going to replace it with another deck

Mr. DelVecchio: yes

Mr. Glover: Is that right?

Mr. DelVecchio: Yes

Mr. Glover: And it looks like the existing deck was only 9 feet out from the house

Mr. DelVecchio: correct

Mr. Glover: which is a pretty useless deck because you can't do anything on it

Mr. DelVecchio: yeah

Mr. Glover: and you're going to bring it out 12 feet by the total length of the house, is that correct?

Mr. DelVecchio: Correct

Mr. Glover: Okay, are you city sewerred?

Mr. DelVecchio: Yes, I am

Mr. Glover: And that goes out the front?

Mr. DelVecchio: Yes sir

Mr. Glover: And how about city water?

Mr. DelVecchio: Yes

Mr. Glover: This deck serves as your method of egress from the back of the house

Mr. DelVecchio: Yes sir

Mr. Glover: at the present time you have none

Mr. DelVecchio: correct

Mr. Glover: Do you have children?

Mr. DelVecchio: No

Mr. Glover: Alright,

Mr. DelVecchio: I have letters from my neighbors too if you want them

Mr. Glover: So the only problem we have is instead of being 25 feet from the rear property line, you're going to be 15

Mr. DelVecchio: Yes sir

Mr. Glover: How did you arrive at these measurements?

Mr. DelVecchio: Using the map from city hall. I used that as a reference point and then I created it from there

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

Mr. Conklin: he's actually just going from a 9 foot to a 12 foot deck

Mr. Glover: It's going from a, he's going from a 9x12 deck to a 12x27 deck

Mr. DelVecchio: It's just 3 more feet out from where it was original

Mr. Conklin: encroaching, that's what I'm asking the encroachment's 3 feet?

Mr. Glover: Yep

Mr. Jones: We've got three letters here, they read: "I, Ms. Linda Kozlowski, of 17 Huntington Avenue, Shelton, CT, do hereby agree with the proposed construction of a deck by one, Richard DelVecchio of 15 Huntington Avenue, Shelton, CT. I believe that the deck will add value to his house and will further beautify the neighborhood. My signature below is my approval for Mr. DelVecchio to move forward with this project. Thank you. Ms. Linda Kozlowski." Also one, same letter signed by Jean Espinoza, and another one by Mr. Michael Spease.

Mr. Glover: Alright, these are your neighbors in back of you and the sides of you I assume

Mr. DelVecchio: yes, uh huh

Mr. Glover: So everyone around you likes the idea

Mr. DelVecchio: Oh yes

Mr. Glover: Any final, any questions from the Board? (no) Anyone else in this room in favor of this application? (no response) Anyone opposed to this application? (no response) Final questions? (no) I declare the hearing closed. Thank you.

Mr. DelVecchio: Thank you.

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

#807-2 "In the application of Richard DelVecchio of 15 Huntington Avenue, Shelton, CT for a certificate of approval for a 12x27 deck to be located on the property of the applicant at 15 Huntington Avenue, R-4 zone, and which requires a variance in setback from the rear property line,

The application for a variance is approved.

Inasmuch as it is a minor variance in that the deck is replacing a pre-existing deck that was removed and was also non-conforming,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in setback from the rear property line from 25 ft. to 15 ft. at the above is granted (Section 24, Schedule B, Standard 8) 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."

#807-3 Booth Hill Road, Assessor's Map 14, Lot 7, Tracy H. Lewis of 260 Main Street, Monroe, CT is seeking to waiver Sections 24.1 and 24.2 by varying the lot frontage from 135 ft. to 101.31 ft., location of the square and setback from the left side yard from 30 ft. to 20 ft. for a residential lot.

Mr. Glover: Good evening gentlemen

Atty. Thomas: Good evening

Mr. Glover: Would you please give your names and addresses for the record?

Mr. Lewis: I'm Tracy Lewis, licensed land surveyor, 260 Main Street in Monroe is my office

Atty. Thomas: Attorney Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT

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

Mr. Lewis: Yes

Mr. Glover: And Attorney Thomas are you the spokesperson?

Atty. Thomas: Well, first I'll let Tracy Lewis explain the layout and everything and the reasons for the variance. And then I'd like to address some of the legal issues.

Mr. Glover: Go ahead Tracy.

Mr. Lewis: As you know, we did withdraw last time for an application that showed the building being, brand new house being 20 feet from the neighbor. So we've changed that. We've moved it to, made it 30. And we want to put the property line along the town line and that has been, we've been receptive from both towns to do that, as far as administrative offices in the Shelton and also in Trumbull. We have submitted a subdivision and it was approved for property adjacent to the town line in Trumbull. There is an existing house there, I should have that, the plans are all, this was the a, this was the approved subdivision in Trumbull which showed this lot entirely in Trumbull and there is an existing house there and it already has a driveway and everything in it. My client owns the rest of the property which will all remain as a single lot, someday will be re-subdivided. But at this point he wanted to break off the house lot and also the lot in Shelton. They've been separately assessed. They have separate parcel numbers right now and as a matter of convenience we wanted to put the line along the town line. We did have to place the house in the narrowest part of the lot because there is wetlands in the rear. The other plan shows the wetlands to the rear. We did put the house as close to the road as we could so that it was in the best part of the land. The septic system remains in the back behind the house. We did do a complete engineered site plan to make sure everything worked in relation to our property line on the right and the town line on the left. And that's how we arrived at what we're doing.

Mr. Glover: This lot is served by city water isn't it?

Mr. Lewis: It's served by city water and it may possibly be served by city sewer too as well, but we still have to work that out because it is a, a Trumbull sewer line that's being laid right now in Booth Hill Road. They are bringing the sewer line all the way up through. There is, and I'm sure you're aware, there's a portion of Booth Hill Road that is in Shelton. It comes from Trumbull into Shelton, out of Shelton and then back into Trumbull. So there is going to be a sewer line through there. They may not let us tap in because it is a Trumbull line. But we may be able to work that out. But we did design it as a regular septic system, engineered site plan.

Atty. Thomas: It would have to be by municipal agreement.

Mr. Lewis: Yeah

Atty. Thomas: (unclear) able to do that, I don't know either

Mr. Glover: Was this originally all one piece?

Mr. Lewis: Yes

Mr. Glover: It was one piece, one parcel that straddled the line before, went over the line before, okay

Atty. Thomas: Based on the deed, yes

Mr. Glover: Okay, and the one piece that was in Trumbull had an existing house on it

Mr. Lewis: Yes, it's been there for years, right. That was the only house on the whole property

Mr. Glover: Okay. It's a big piece of property

Mr. Lewis: Yeah it was farming and, you know, that type of thing, so. There was a larger parcel here you'll see I cut this piece out. That was sold, where your hand is there was a large piece 5 acres or something

Mr. Glover: that was all part of the this

Mr. Lewis: Yeah, right

Atty. Thomas: By a prior owner

Mr. Lewis: prior owner

Mr. Glover: Fine, but I mean this whole area was one piece at one time. And the piece went between the two towns.

Mr. Lewis: Yes

Mr. Glover: What, what is the legal frontage for the lot, for a lot in Trumbull?

Mr. Lewis: 150

Atty. Thomas: It's 190 there

Mr. Glover: Right, okay. And did you create this lot?

Mr. Lewis: We, we created it along the town line in Trumbull, yes. That is, that is a lot. It's been approved, yes.

Mr. Glover: But you could have taken 150, is it 140 feet or 150 feet?

Mr. Lewis: 150

Mr. Glover: You could have taken the other 10 feet and added it over to that one.

Mr. Lewis: certainly

Atty. Thomas: Absolutely, in fact, more than 10. It's actually, you're missing a, a notation, it's 197

Mr. Glover: oh, so

Atty. Thomas: Yeah, it's 197. If I can address some issues with respect to, I'd like to show you the Shelton's treatment of the parcel which goes back well before my client. This is an Assessor's map plus, am I short one or does everybody have one? This is the Assessor's map plus the Assessor's card. And as you can see for lot size in the zone this is twice the normal size of an R-1 lot and it is assessed as a building lot in looking at the size. It's not assessed as, as um, when I say it's a building lot, they have an assessment for excess acreage and it's not assessed as excess acreage. The issue is and I've had the case, there's a case that's involved in this which is Fritz vs. Roxbury and basically it said that, that was the case where an individual who had 3 ½ acres of property with a house on it treated it as a single property with the Roxbury/Southbury town line coming through the middle of the property. Roxbury had 3 acre zoning. An acre and a half of it was in, was in Roxbury. And he went to Roxbury and said it's a separate lot. And the court said no and the appellate court sustained it. The decision said no it's not. And he had obviously in that situation an undersized lot. Here, with the exception of the issue of the square, which of course is something I think that this Board has routinely granted variances for in lot square, this is a situation where the lot square, to be very honest with you I've never figured out why they have a lot, they have 135 foot frontage and 150 foot square on the lot that must touch the front. It sort of (unclear) but the lot square on the other map is present on this lot, it's just in the rear as opposed to touching the front. It is possible for us to create a lot that complies with the exception of the location of the lot square totally with the Shelton Zoning regulations. In other words, we can swing that go in for a lot line revision, swing the, which is something that could not have been done in Fritz. Nor in Fritz,

by the way, was there any evidence introduced that the town had chosen, in fact there's even a contradictory language that it had been treated almost as a single lot existing in Southbury, where there's no evidence in Fritz, now we can't, I haven't looked at the file in Fritz you know per se the legal file, but there's no evidence in there that it was treated and zoned as such. They did not have in Fritz, the capability at all to create a lot, a Roxbury lot using Southbury property. We do. Gloria Kovacs may fire bomb your houses if you did that. You know what I mean? Because you're going to create a lot, for no apparent reason, because if this lot, there's a very good chance this parcel of property were located 50 foot inside of, you know standing alone, 50 feet inside, not as part of a total parcel, you'd look at it given its size and everything and it would probably fit clearly for a variance. It has somewhat of a unique narrow shape. We could take this, pivot this, maintain our 1, what did you say 50? Right?

Mr. Lewis: 150 in Trumbull and 135

Atty. Thomas: 150, so we've got 40 feet to do it. Get our 135, when we pivot it we would pick up the 10 feet for the side yard setback. So we could do that, but now you'd have a lot, you'd probably have two assessor's that would fire bomb your house, because now you have a lot line that would cross the, the lines. So we could do it and maintain this lot

Mr. Glover: So other than fire bombing my house, other than fire bombing my house, we don't have a hardship

Atty. Thomas: Well, I mean the, when you're talking about a hardship, it's a unique nature. I mean we can cross the lot over into the other town

Mr. Glover: you can

Atty. Thomas: Huh?

Mr. Glover: You can

Atty. Thomas: You can. We can do that.

Mr. Glover: No, I understand

Atty. Thomas: We'd still have to come back here, you understand, because Rick in his office, Rick Schultz, is not allowed to take into account Trumbull property and issue a certificate of zoning compliance

Mr. Fitzgerald: that's because he doesn't work for Trumbull

Atty. Thomas: Right, exactly, and the land that, now I'm not talking about for this lot, I'm talking about for the Shelton lot. In other words, when you have, I've been here, I haven't had one myself but I've seen them where variances are routinely granted on properties that cross over, where they comply with everything but they cross over because in most towns if you read the definition in your zoning regulations of a lot, it requires it to be a Shelton property. All it talks about in cross over is crossing over districts and it provides certain things. But there's no language in there that allows zoning as a matter of right, a person as a matter of right to claim property in another town. So we could create the lot in here, again, we'd have to come back to you. We'd have to say there's room here I have today, I've been involved in this for about the last week and when I talked to Tracy I said do it for them, create a lot that complies in all terms except the location of square, which would be in the back which clearly, I mean again it's, that's because of the narrowness. But the lot is twice the normal size of an R-1 lot, we can do it. It's just not, I mean

Mr. Fitzgerald: Does he not have to have approval of the health department first? In other words, you're going to have to put a septic system in because the

Mr. Lewis: right, we demonstrated that, yes

Atty. Thomas: Yeah, that's, your, the health department, your, how you act has no impact upon the health department. They act on their own. So you still have to apply to the health department. If he were to be

successful here or come back and the health department denied it he would be, couldn't build a house. That's simple, simple fact. If the health department acts it's, we can't go to the health department and say the ZBA granted a variance you got to give us a septic system

Mr. Glover: You could, but they'd laugh at you.

Atty. Thomas: they'd laugh at you right

Mr. Lewis: but we wouldn't come here to this Board

Atty. Thomas: without having

Mr. Lewis: we don't do it that way. We wanted to make sure that it worked and we did a complete septic system design so

Mr. Fitzgerald: So you have a septic system designed for this

Mr. Lewis: Yes

Mr. Glover: So what you're saying is it can be done, but is it a good practice?

Atty. Thomas: Exactly

Mr. Glover: Alright, and

Mr. Lewis: In other words, you're not going to have 12 applications walking through with the same thing. So you're not going to see this again

Mr. Glover: Well, we don't set

Mr. Conklin: We already have two times in the past year

Mr. Glover: yeah, we did it with the Tice's. The Tice's had the same situation

Atty. Thomas: Could he create the lot by using the

Mr. Glover: He didn't have enough square footage, he had a big lot but some of it was in Trumbull and some of it was Shelton and they didn't recognize, Shelton didn't recognize the square footage that was in Trumbull

Atty. Thomas: Yeah that's, but that's a routine variance. That's the classic, next to the word variance, that's the

Mr. Glover: Attorney Thomas you come in here every month with the classic variance

Atty. Thomas: But the classic variance is one thing

Mr. Glover: If we could do a search about classic variances

Atty. Thomas: The classic variance right, the classic variance is one that's confiscatory. And in fact in this case it's not, you know, that is, so when it's a single piece of property. This is a situation where we could come back in and create the lot to comply. Once we created the lot complying with frontage and everything, certainly if, based on the location of the lot square, this Board said well on that point alone based on the history of granting, you know, lot squares is not one of the most, first of all, I mean the two requirements even as it says in Fritz, are that it does not interfere with the comprehensive plan. Obviously this is a use, a residential use within the purpose. You know one of the things in Fritz was, the comprehensive plan provided for 3 acre zoning, which is the main element of it. And in that case the person wanted to put acre and a half zone. So in here that's not the issue. The issue here is really frontage and 10 feet of side yard, creating side yard is a, is a part of a plan to create an appropriate buffer. Frontage is an appropriate part, we can achieve

both of those things by sliding the lot line over into Trumbull. As a matter of fact, in the situation that we're in we could do it with a lot line revision. It's just that you'd create a lot now that under the Assessor's records would have to have property in other, in two towns. And given the size of the lot, our position is it doesn't seem to be appropriate. If it were in fact, if we were discussing we wanted to build and utilize this lot and we had 30,000 sq. ft. and we could pick up 10,000 in Trumbull to make it a 40,000 sq. ft. lot, I think that's a different issue. But I think this is a lot that is double the size of an R-1 lot and we could create the frontage if you wish. We could create the side yard if you wish. But there is certainly, between this house and the house that's in Trumbull, there is certainly more than sufficient, I think the total combined, if you have the other one, I think it's 50 something feet? Is the, right now, to the property line, if you'll

Mr. Glover: To what?

Atty. Thomas: where's the, oh no, I'm sorry, this is 59, here it is, 59 feet and 20 feet. So we have a total of approximately 80 feet between the two properties, the two houses.

Mr. Glover: right, and I think Trumbull is 25 feet on the side

Mr. Lewis: 20 or 25 yeah, I believe

Atty. Thomas: This is what a double A zone?

Mr. Lewis: Double A zone, yeah

Mr. Cavallaro: Is there a house on the Shelton property now?

Mr. Lewis: No

Mr. Glover: Is that the

Mr. Lewis: There was a building on it at one time, I believe. But I don't know if it was a house or not

Atty. Thomas: they listed, but you notice on the, on the card, on the card they don't list it. There may have been, who knows, it could've been a barn. I have no idea.

Mr. Glover: Is this driveway Tracy, going to be awkward? Are you putting the, last month

Mr. Lewis: Well, we would have rather had the driveway on the other side, yes

Mr. Glover: Because you're going to, because of the topography right?

Mr. Lewis: Yeah, but we're, you know, it's, it'll work, which I suggested the last time, I think the driveway would be much better on the other side, but

Atty. Thomas: It's our understanding that the neighbor on the other side wasn't

Mr. Glover: Mrs. Powell was here in the hearing that was withdrawn, in opposition

Mr. Lewis: Yeah

Atty. Thomas: The variance is no longer on her side

Mr. Glover: No, I understand

Mr. Lewis: No, he was asking about the driveway and it's a valid question. But the driveway does work. I mean Jim shows it working there. It will work.

Mr. Glover: Alright, does the Board have any other questions? (no) Is there anyone in this room in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (no response) Any opposition? (no response) Final questions? (no)

Atty. Thomas: This is for them?

Mr. Lewis: If they want

Mr. Glover: Yeah, once

Atty. Thomas: If you show it you lose it.

Mr. Lewis: Yeah, I can make many of those.

Atty. Thomas: Since I did refer to Fritz, do you want a copy of it

Mr. Glover: I have a copy of it

Atty. Thomas: You have a copy of it?

Mr. Glover: Yeah, Tom Welch researched it and I have a copy of it. Alright, no questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

#807-3 Later that evening during the work session the Board, upon motion by Mr. Jones and seconded by Mr. Cavallaro to granted, voted three to two (Mr. Glover, Mr. Cavallaro & Mr. Jones voted for the motion; and Mr. Conklin and Ms. Adanti voted against the motion) and therefore denied your application for a variance, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#807-4 18 Greenfield Drive, Manuel Afonso of 18 Greenfield Drive, Shelton, CT is seeking to waiver Section 24.4.9 by varying the setback from the street line from 60 ft. to 34 ft. for a 12x16x12 shed.

Mr. Glover: Good evening

Mr. Afonso: Good evening

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

Mr. Afonso: Manuel Afonso, 18 Greenfield Drive in Shelton, CT

Mr. Glover: Sir, will you be speaking?

Mr. Sanders: Yeah, I'll help him if he can't understand

Mr. Glover: Then we'll need your name and address please

Mr. Sanders: Albino Sanders, I live at 321 Mohegan Road, Shelton, CT

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

Mr. Sanders: Yes

Mr. Glover: Is this shed up already?

Mr. Sanders: Yes, he started to build it because he didn't know if he needed a permit, so after, I think the neighbor complained, they made him get the permit

Mr. Glover: Alright, do you have some receipts for your neighbors? Did you notify the neighbors?

Mr. Sanders: Yeah, I think so, the City

Mr. Glover: Did you mail something to your neighbors

Mr. Afonso: The town, the zoning board mailed them

Mr. Glover: No, you have to mail it to your neighbors. Did you, did you

Mr. Afonso: No, Tom said, Tom said we mailed the letters to the neighbors

Mr. Glover: Who said that?

Mr. Afonso: Tom Dingle

Mr. Glover: No, he doesn't do it, you do it. You have to do it.

Mr. Afonso: He told me I send the letter to the neighbors

Mr. Glover: You did?

Mr. Afonso: No, him

Mr. Glover: He did?

Mr. Afonso: Yeah, he said he did it

Mr. Glover: Then we'll have to continue this until next month and you'll have to notify your neighbors. Any neighbor that, that abuts you, is this your property here?

Mr. Afonso: Right

Mr. Glover: Is there a neighbor over on this side?

Mr. Afonso: Yeah

Mr. Glover: And you have to write a letter to this person, this person, that person and that person, four people because they abut your property. And you have to tell them what you're doing

Mr. Afonso: Well, I talked to him

Mr. Glover: Who?

Mr. Sanders: me

Mr. Glover: Yes, but you have to write them a letter and send it registered mail and bring the receipt in here so that we know that they've been notified that there's a variance application.

Mr. Afonso: alright, I told, I asked Tom and he said we send the letters

Mr. Glover: No, it's, you have to do it. He does not do it.

Mr. Afonso: Oh, okay

Mr. Glover: So you do it. So he should've given you, don't they give you a sample letter

Clerk: They're supposed to, I don't know

Mr. Glover: Yeah, they should've given you a sample letter and you should send it to your neighbor telling them what you're doing. Okay? So we will continue this hearing. Go home and write a letter to one, two, three, four people. Send it registered mail, return receipt requested and then when you come in next month bring the receipts. We'll keep the pictures and we'll keep the file here and we'll hear this next month as long as you notify your neighbors.

Mr. Afonso: Okay.

#807-4 Continued until next regular hearing.

#807-5 104 Long Hill Avenue, Carol Jacobsen of 9 Judson Circle, Shelton, CT is seeking to waiver Section 24, Schedule B, Standards 7 and 9 by varying the setbacks from the street line from 25 ft. to 20 ft. and from the right side yard from 8 ft. to 4 ft. for a 21x19 carport with 6x16 breezeway.

Mr. Glover: How are you?

Ms. Jacobsen: Good, thank you

Mr. Glover: I'm guessing that you're probably Carol Jacobsen

Ms. Jacobsen: That's correct of 9 Judson Circle, Shelton, CT

Mr. Glover: And do you have some letters and some pictures?

Ms. Jacobsen: Yes, these are my receipts. I only have two neighbors because it's on the corner. And these are the pictures.

Mr. Glover: and this is on Long Hill Avenue?

Ms. Jacobsen: yes

Mr. Glover: And what it is it that you want to do?

Ms. Jacobsen: Well, I'd like to provide a little better parking for the house and I'm already intending to excavate here a little bit and make a parking area but if possible to cover it I thought that would even better for the property and for the house. So I'd like to put in a car port and there's a couple of reasons why it ended up the size that it is. First of all there is somewhat of a minimum for a car port and I'd like to add just a little bit extra at the back for a trash can or a work bench or something that they could have under cover so that's how we came up with the 21 feet deep. And then in addition the main, the entryway of the house is here, but the main entry that people use is over here. So I was hoping to have it extend out enough so that you could

Mr. Glover: be sheltered

Ms. Jacobsen: be sheltered and go from the cars into the, the side entry

Mr. Glover: Long, Hill Street Ext. is a very steep hill

Ms. Jacobsen: Yes, and there's really not good parking on the street. So right now, the people that live in the house park on the grass

Mr. Glover: And your property line is, is very close now, in fact your deck is, is probably

Ms. Jacobsen: Is non-conforming, yeah

Mr. Glover: non-conforming

Ms. Jacobsen: So one of the things I wanted to let you know is that I would remove that non-conforming deck as part of the process

Mr. Glover: Well, we didn't ask you to do that, so

Ms. Jacobsen: Well, it kind of really should be, I don't think it should be right up against it. What happened is the property was split. It was originally one piece and it was split into two and the only way they could get the split to work was to make this angled property line

Mr. Glover: When was it split?

Ms. Jacobsen: About 5 years ago and there's a new house over here now that was just built. And so that's why I can't get the car port to fit in because this property line is at such an angle that as I come out I just get closer and closer to the property line.

Mr. Glover: So topographically you have a problem accessing this house because of the steepness of this hill

Ms. Jacobsen: Well, there is a driveway now

Mr. Glover: But you do have a problem. You can't come in over here

Ms. Jacobsen: No, there's only place

Mr. Glover: You can only come in off of Hill Street, Ext.

Ms. Jacobsen: Correct

Mr. Glover: And you have a very unusual and unique shape to your lot

Ms. Jacobsen: yes, this angled nature of the line makes it very difficult and because it was split previously the house is right up against that side

Mr. Glover: And did you purchase it after it was split?

Ms. Jacobsen: I actually purchased it in the middle of when it was being, I purchased it as one piece and then it became two

Mr. Glover: But did you split it?

Ms. Jacobsen: No

Mr. Glover: You were in the process of purchasing it while somebody else was splitting it

Ms. Jacobsen: Correct, yes

Mr. Glover: So you inherited the shape of the lot

Ms. Jacobsen: Yes

Mr. Glover: You inherited the, the pool, the deck I mean

Ms. Jacobsen: That actually was built in the, by myself but it was before the, this was approved and went through

Mr. Glover: Okay. Alright, so it's the only place for the car port

Ms. Jacobsen: Yes

Mr. Glover: And it shelters cars and gives you a dry way to get into the house

Ms. Jacobsen: The only thing I would point out is that in case you didn't notice it does have an overhang which is what's put as the dotted line here. The structural portion where the posts would be that hold the car port up would be according to this request for a variance. I don't think there, and somehow it should be written in that, I don't think this could ever be an enclosed structure because you would not be able to maintain it or get around it properly or do anything. So my idea is that that's why it's a car port is because it's not a problem as long as it's not enclosed.

Mr. Glover: Do you live here?

Ms. Jacobsen: No

Mr. Glover: You don't. And the variance you're asking for does it take into consideration that overhang?

Ms. Jacobsen: The engineer told me that the overhang can be not part of the, the, I don't know how to describe it but, as long as the structural part that goes down to the ground is within the dimensions that that's okay. That the overhang since it's above it's an architectural something or other, I don't know.

Mr. Glover: Who told you that?

Ms. Jacobsen: The engineers down at NLK helped me draw up this and figure out all of the dimensions.

Mr. Glover: I'm not sure they're right, but if, if they are, if they're not they'll just send you back to us. But I'm not sure that your, that they're correct. They may be, but I don't, I'm not sure that that's what the code says because it is part of the structure.

Ms. Jacobsen: Uh huh

Mr. Glover: And it's not, I don't believe it's a simple overhang, I think it's just

Ms. Jacobsen: considered part of the structure. Yeah, I just wanted to point that out so you would know that, you know that was the original, I mean that was the intent that the roof line will go to the dotted. The structural portion will be at the 4 feet.

Mr. Glover: So the variance that you're asking for is, is a setback to 20 feet from the required 25

Ms. Jacobsen: Yeah, because it doesn't, it doesn't quite make it. This is the 25 foot and it's gonna come out

Mr. Glover: And who, who determined that this was the front of the house?

Ms. Jacobsen: I don't know how to answer that question

Mr. Glover: Your address is 104 Long Hill Avenue

Ms. Jacobsen: Oh, oh, yeah, I don't know how that worked out

Mr. Glover: Your address is 104 Long Hill Avenue

Ms. Jacobsen: Yes, it was built in 1912 or something like that and I guess it didn't matter in those days.

Mr. Glover: Alright, just follow me for the record. This is an R-5 zone and the front yard setback I believe is 25 feet

Ms. Jacobsen: Yes

Mr. Glover: and the side yard setback is 8 feet

Ms. Jacobsen: yes

(Attorney Thomas approached the table)

Mr. Glover: Here comes trouble, now this is going to flip off. Okay, I'm trying to help you here, not hurt you

Ms. Jacobsen: That's fine

Mr. Glover: What I'm trying to put on the record here is if Long Hill Avenue is the front of the house, then you're only required to be 8 feet off of Hill Street, Ext.

Ms. Jacobsen: Uh huh, but then I would have to be 25 feet

Mr. Glover: but then you need 25 feet from the rear

Ms. Jacobsen: and the lot would be non-conforming automatically

Mr. Glover: It's an existing, an existing non-conformity. Alright, let the record show that we understand that there's a three feet overhang on the front of this because it may save you from having to come back

Ms. Jacobsen: Okay

Mr. Glover: Does the Board agree with that? (yes) So it's the only place you can put this car port

Ms. Jacobsen: Yes, I believe that's true

Mr. Glover: And in the neighborhood, are there other houses that are close to the property lines?

Ms. Jacobsen: Yes

Mr. Glover: So it's not unusual, this relationship between the property line and the, and the structure is not unusual in the neighborhood

Ms. Jacobsen: No, in fact most of the houses are quite close to the street

Mr. Glover: Right, because it's an existing, established neighborhood

Ms. Jacobsen: And there's also an established need for parking. Any cars we can get off the street is an advantage to the neighbors.

Mr. Cavallaro: Can I see the map?

Mr. Glover: Alright, any other questions from the Board? (no) Is there anyone in this room who is in favor of this application? (no response) Is there anyone opposed to this application? (no response) Any final questions? (no) Then I'll declare the hearing closed. Thank you.

Ms. Jacobsen: Thank you

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

#807-5 "In the application of Carol Jacobsen of 9 Judson Circle, Shelton, CT for a certificate of approval for a 21x19 carport with 6x16 breezeway to be located on the property of the applicant at 104 Long Hill Avenue, R-5 zone, and which requires variances in the setbacks from the street line and right side yard,

The application for variances is approved.

Inasmuch as the lot has a unique shape and due to the topography of Hill Street, Ext., and

Inasmuch as existing neighborhood is in harmony with this setback,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for variances in the setbacks from the street line from 25 ft. to 20 ft. and from the right side yard from 8 ft. to 4 ft. at the above is granted (Section 24, Schedule B, Standards 7 and 9) 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.”

#807-6 20 Buddington Road, Brian J. Mooney of 20 Buddington Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 50 ft. to 29 ft. for a 14x25 two story addition.

Mr. Glover: Good evening

Mr. Mooney: Good evening

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

Mr. Mooney: Brian Mooney, 20 Buddington Road, Shelton

Mr. Glover: And Mr. Mooney, might you have some pictures and some receipts?

Mr. Mooney: I have the pictures and receipts of my two abutting neighbors.

Mr. Glover: And these are your two abutting neighbors?

Mr. Mooney: Yes

Mr. Glover: Okay, and can you tell us what you want to do?

Mr. Mooney: I want to construct a two story addition on the left side of my house that would be approximately 14x25 feet.

Mr. Glover: And when you do that, your setback from the front is 29 when it's required to be 50?

Mr. Mooney: Yes

Mr. Glover: When you add this onto the side of the house, the addition is not going to encroach on the road any more than the existing house

Mr. Mooney: No

Mr. Glover: In fact, it's further back, correct?

Mr. Mooney: Correct

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

Mr. Mooney: Not that would make any sense to the existing house

Mr. Glover: Is the two story addition going to aesthetically fit with the house?

Mr. Mooney: It will complement the house, yes.

Mr. Glover: Is it going to be the same, like the same height of the house?

Mr. Mooney: It's going to be exactly the same height.

Mr. Glover: Alright, does the Board have any other questions? (no) Anyone in the room in favor of this application? (no response) Anyone opposed? (no response) Then I'll declare the hearing closed.

Mr. Mooney: Thank you.

Mr. Glover: You're welcome.

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

#807-6 "In the application of Brian J. Mooney of 20 Buddington Road, Shelton, CT for a certificate of approval for a 14x25 two story addition to be located on the property of the applicant at 20 Buddington Road, RBD zone, and which requires a variance in the setback from the street line,

The application for variances is approved.

Inasmuch as the addition will not encroach any further than the existing structure does, and

Inasmuch as the proposal will be in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in the setback from the street line from 50 ft. to 29 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."

#807-7 River Road & Petremont Lane, Assessor's Map 66, Parcel 1, S. B. Custom Builders, LLC of 126 Frank Street, Bridgeport, CT is seeking a use variance to permit a restaurant with a drive thru service in a CA-2 zone.

Atty. Thomas: Attorney Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT, representing the applicant. Photographs of the sign and the property. And two notices and related to the notices is email communication with Mr. Masiello. He's the owner of the property in the rear responding to my notice and indicating, and indicating, or asking me what it was for and I responded and he said Dunkin Donuts is good

Mr. Glover: I see that. So this is going to be a Dunkin Donuts

Atty. Thomas: Yes. Hopefully you have correspondence from the Planning and Zoning Commission? This is a use variance. They did meet and they considered it and had a discussion at their meeting on

Mr. Glover: Because this is a use variance, we're required to transmit a full copy of the application to the Planning and Zoning Commission by the code, which our very able clerk always does

Atty. Thomas: Absolutely

Mr. Glover: And I got a letter today from the Zoning Administrator, Mr. Schultz, which I will ask Mr. Jones to read into the record.

Mr. Jones read letter: "To: Gerald Glover, Chairman, Board of Zoning Appeals. From: Richard D. Schultz, Planning and Zoning Administrator. Date: August 21, 2007. Re: ZBA Application #807-7. The Shelton Planning and Zoning Commission at their August 14, 2007 meeting received and discussed the pending application of S.B. Custom Builders, LLC requesting a use variance to permit a restaurant with a drive-thru located at 495 River Road. This review was made pursuant to Section 4.4.5 of the Zoning Regulations. The consensus of the Commission was they did not have any objection to this request. If the ZBA should grant approval the applicant will be required to submit a Special Exception Application the Planning and Zoning Commission. cc: Planning and Zoning Commission."

Mr. Glover: So we have complied with what we're supposed to do. And the Planning and Zoning has, has responded that, that they have no problem with the drive-thru.

Atty. Thomas: This is a newly approved site plan for a commercial and office building at the corner of what is Petremont Lane and River Road. As part of the approval, two things occurred as far as the in and out of the property. One is that the Planning and Zoning Commission decided that this property and the property adjacent to it, which was also an application that was actually pending at the time this was filed, which is Precision Auto, that those two properties would be interconnected by a driveway. Precision Auto had a driveway off of River Road, that this property would have a driveway off Petremont Lane and the applicant would then do a substantial amount of widening to that portion of Petremont Lane which runs from just beyond this property line down to River Road. I made copies of the PDF site plan for you to look at, which I think is attached to the application. There really wasn't a need for a (unclear) and then the other thing I want to give you, this is a blown up version of the zone, what would it be without fluorescent highlighters. The reason I'm showing you this is the yellow is the zone, this narrow zone of CA-2. CA-2 zone permits residences and, I'm sorry, CA-2 zone permits restaurants, but only the sit down restaurants. It does not permit a drive-thru. CB-2 is the zone across Petremont Lane. You actually have in your photographs, I took pictures up close, it's the zone right across the street and it does permit restaurants with drive-thrus. The option of the applicant, once Dunkin Donuts approached us, the option he had was to take the zone line and simply move it down. Planning and Zoning, because of the fact that after, I believe this is their reasoning on this, because of the fact that after this project and Precision Auto is a very large parcel of property affectionately referred to by some of us in the development area, is the three sisters property. Which is a large piece of property owned by three sisters and in fact Mr. Masiello is I think somehow related to them or there is some relationship we were told, and his piece is an additional two acre piece behind. The bulk of that is R-3. The, but there is this strip of CA-2 and it, the property is for sale and we would expect that in a very short period of time somebody would purchase it and there would be some development along, along River Road. And I think before they go about changing that zone, because more than likely that's going to be developed by a PDD, we made the suggestion that the other option would be to apply for a use variance, which we knew had to go in fact, number one had to go back before P&Z to write this letter; and number two, even if you approve it, it gives us nothing other than the right then to file a special exception application for, for this because we have to address the issues that, that all restaurants have to apply for a special exception and drive-thrus in particular, have to apply for special exception. So that was our route that we chose to go. The property has always been designed for this. The project is a very upscale, for those of you that have traveled up 67 in Oxford, the building is going to be modeled after the Oxford Depot that was built by Al DaSilva, that was one of the models that was used in the design of it, so it's going to be an upscale building. And I guess the final thing to say is there isn't a Dunkin Donuts down this end of River Road. But anyway, the main thing was the proximity of the zone line. That's why the photos that we presented to you.

Mr. Glover: Obviously, the three sisters don't have a problem because they've been here many times

Atty. Thomas: Yes

Mr. Glover: with anytime, anything's going on

Atty. Thomas: And they would've seen the posting

Mr. Glover: They would've been. Can you tell me where the cars, this is going to be a drive-in, a drive-up window

Atty. Thomas: in the rear

Mr. Glover: that they're going to hand, they're going to hand coffee and donuts out of. In my years on the Zoning Board of Appeals, one of the, one of my regrets is the Leavenworth Road and Maple Avenue Texaco station, giving that a drive-up window for a Dunkin Donuts.

Atty. Thomas: That's a residential zone

Mr. Glover: No, it's a commercial

Atty. Thomas: Commercial, you're right

Mr. Glover: And because people come over East Village Road and they can't see the cars pulling into the shopping center and why somebody hasn't gotten killed there is beyond me. I thought the Planning and Zoning would make them approach it from 110 and come out onto Maple, but they didn't. And in the mornings, the traffic for Dunkin Donuts is piled right up onto East Village Road and why nobody's gotten killed there is a mystery to me. Um, I'm interested in knowing where the cars are going to be stacked up from

Atty. Thomas: The um, first of all, this is, even though we did not discuss a drive-thru, there was anticipation that they would be confronted with a drive-thru, possibly a bank. So as a result of that, when we were going through the site plan, that is one of the reasons why there is no River Road entrance to this property. The entrance is off of Petremont Lane. And I will also tell you since you asked that question, that besides the widening of Petremont Lane, the applicant was required to remove, I think, and Mr. Pereira isn't here, 12 inches of a hump in the road there to create a better line of sight. The drive-thru access would be along the, and again I'm using the, I'm not using the ZBA left/right, I'm using the standing in front of the building and looking at it left/right. So the right of the building between it and Precision Auto, that road would go in there. So your queuing would, and to be honest with you I'm, you know, because this is a ZB, this is a P&Z issue, but

Mr. Glover: not, it's not a P&Z issue

Atty. Thomas: Well I mean, but I mean

Mr. Glover: It doesn't become a P&Z issue until I say they can have it

Atty. Thomas: well, what I'm saying is

Mr. Glover: when we say they can have it, then it's a P&Z issue

Atty. Thomas: the location I'm not sure which of the 4 store fronts it is. So even if it were the end store front, there would be sufficient queuing around it and into the front

Mr. Glover: Because they're coming in from Piedmont?

Clerk: Petremont

Mr. Glover: Petremont?

Atty. Thomas: The traffic, the traffic that would access the drive-thru, assuming it was at the closest place, would have to go this way to the drive-thru. So you would have queuing all the way out here. You never reach Petremont.

Mr. Glover: So it, they're going to come in Petremont,

Atty. Thomas: Right

Mr. Glover: they're going to go, take a right and go between River Road and the front of the building, is that correct?

Atty. Thomas: yes

Mr. Glover: Is that what you're telling me?

Atty. Thomas: yes

Mr. Glover: So they're going to go around the front of the building and then they're going to take a left at the end of the building and someplace over in there is

Atty. Thomas: It's the only way to get them, in order to have an appropriate drive-thru, you have to have the driver's side up against the drive-thru

Mr. Glover: Well, I know that

Atty. Thomas: Yeah, but I mean, but I'm saying so the only way to get that would be that route.

Mr. Glover: So they're not going to come in behind Precision Automotive

Atty. Thomas: They can't, no, no, no, there's no

Mr. Cavallaro: Well there is a cut through between Precision Auto

Atty. Thomas: Over here

Mr. Cavallaro: right, which is the traffic flow's allowing it to go double arrows in front of, in fact that's a conflicting, if people are going to queue in front of the new stores, it's opposite the flow of traffic and the parking

Atty. Thomas: Yeah, I understand. Planning and Zoning required the interconnection simply because they, they wanted people who were, they did not want to have to give this an exit, okay? There's no sign for this project here. There's no signage or anything. In other words, it doesn't indicate an entrance. It's the same way, if you were, if you enter Sikorsky Federal Credit Union, unless you actually know, on Bridgeport Avenue that there's an interconnection with the Woodside Plaza, you wouldn't know it. There's no advertisement, nor is there advertisement at Woodside Plaza vice versa. This is an extremely low traffic activity, the Precision Auto Tune. In other words there's, you know, it's a by appointment type thing. So it's a very low traffic thing, again, I was the lawyer for both of these

Mr. Conklin: But the thing is once someone traveling southbound down River Road wraps around Piedmont, or Petremont, goes in, the next day they're going to realize, gee I just went past a shortcut here, I'm going to go in here from now on

Atty. Thomas: So if they do that, if they

Mr. Conklin: So the queue'll wind up going down River Road

Atty. Thomas: No, going down River Road

Mr. Conklin: yeah, it's going to come right

Mr. Cavallaro: coming in here, now you also have conflict going through that, not to mention

Atty. Thomas: Well, I'm sure Planning and Zoning, these are, I'm going to be very honest with you, these are issues, I know your position, but these are issues for Planning and Zoning. I'm sure Planning and Zoning if

they felt that that was an issue, first of all, there's more than sufficient queuing from here to here. The normal queue, so you understand that the normal queue for, is 7 to 10 cars. When they reach 7 to 10 cars people bypass it, the normal procedure

Mr. Conklin: Dunkin Donuts? I don't think so

Mr. Glover: With Sikorsky's down the street

Several talking at once

Mr. Conklin: (unclear) in front of the stores

Mr. Glover: Well, I know, first of all I know that it's the responsibility of the site plan, it's the responsibility of Planning and Zoning, but they don't get that responsibility until we allow them to have the drive-up window

Atty. Thomas: Uh huh

Mr. Glover: and I can't tell you, I, I really think that one of my worst mistakes was, was ever not exercising some control over the Texaco or now Shell station

Atty. Thomas: It wasn't, it wasn't your mistake

Mr. Glover: up there

Atty. Thomas: It wasn't your mistake. If there was a traffic issue, Planning and Zoning screwed up because this is why you have to go to Planning and Zoning, specifically, I mean certainly if you're going to ask these questions and they're not relevant to this application, I would ask for a continuation. I'll bring Joe Pereira here to discuss with you, to make our presentation that we would make for a special exception. That's what we're going to have to do is address it. They may very well, I don't know this, Planning and Zoning could very well decide to put here a no left turn sign, which would force people to drive all the way down and through, and have to turn around to get to the back of the queue. That's their prerogative when they address this issue. We're not going to have any trouble with that.

Mr. Conklin: Planning and Zoning can't put no left turns,

Atty. Thomas: yes they can

Mr. Conklin: this is a State road

Atty. Thomas: No, no, no, there's no, I'm talking about here, I'm talking about here in the property. This isn't River Road. They can put, as they've done on many projects, they've restricted turns within projects. They have signs, I can name three or four where I've had projects where they require within the site plan

Mr. Conklin: He doesn't watch people trying to get through Dunkin Donuts for a cup of coffee, have they?

Atty. Thomas: I do it myself

Mr. Glover: Yeah, but you're a law abiding citizen and responsible and common sense, and college educated

Atty. Thomas: But I mean, it's not a basis, and not beyond sucking up, because I want to tell you that the last time I was here if Board member Jones was here, I intended on spreading out the map and using two bottles of his white wine to hold the ends of the map down because I had just been to Guilford to Bishops Orchard and went and bought two and I saved the empties

Mr. Glover: You suck up

Atty. Thomas: Yeah, that's really, but you know, these are, certainly these are the considerations that we're still going to have to deal with, the anticipation is and the conversation that took place last Tuesday night was

specifically the issues of the queuing, you know, but off of Petremont Lane. And that there was more than sufficient queuing because within this zone, a bank is a permitted use, so the bank drive-thru would be, you know, there would be the same issues. They're concern was

Mr. Glover: But everybody drinks coffee and nobody spends, nobody saves money

Atty. Thomas: saves money, I know, but they cash their checks

Mr. Glover: Would you, would you prefer to continue this so that I can talk to Rick?

Atty. Thomas: I mean I have no, I thought Rick's response was, I mean

Mr. Glover: Rick's response is that they have no problem having it, but they had no problem having the one up in White Hills. And, you know, I mean, Phil you're from down that way, is it a miracle that nobody's dead there?

Mr. Cavallaro: Right, it's dangerous

Mr. Conklin: In all honesty I come down that way, I do not go to the gas station. I refuse to go in that parking lot. I refuse to go near that place, I consider it that bad

Mr. Cavallaro: (unclear) created problem getting in that stupid

Atty. Thomas: Well, that's

Mr. Glover: And I know what you're saying about we didn't make the mistake, but it's there because we granted it, the variance to be there

Atty. Thomas: Okay, but in this case what you have to understand is, literally, I mean, the option would be to go in and say okay fine, we're going to move the zone line down two pieces of property

Mr. Glover: Good, I sleep good then. When the lady's burning my house down from Trumbull and, I don't have to worry about that, but I have to worry about

Atty. Thomas: there's phone messages on their phone machines already. I mean I, whatever your option, again, we chose, this was as a result of a staff session, we chose to go this route. It's the most, so you understand, Planning and Zoning sometimes prefers this and that's why they said they have no problem with it because it is the most restrictive way of approaching this. In other words, it doesn't take away from any of their power and yet it doesn't turn the zone, it doesn't introduce other uses that they're not comfortable with.

Mr. Glover: Right, I understand that completely. I understand that completely. Alright, are there any other questions from the Board? (no)

Atty. Thomas: But I don't know, to be very honest with you, in response to your question about continuing it for that reason, I do not know and I know, (unclear) my client's time frame or anything like that

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

Mr. Conklin: Are you going to leave this open or

Mr. Glover: No, I will, unless you want it

Mr. Jones: Are we going to vote on it?

Mr. Glover: No, I'm going to talk to Rick

Mr. Jones: close it and

Mr. Glover: Close it and talk to Rick and get Rick's

Mr. Conklin: Well the question is if we have questions back from Rick, or we want the engineer to come in, we've closed hearing

Mr. Glover: Well, do you want to continue it? Would you like it to be continued?

Mr. Conklin: I prefer to have it continued. If we have questions (unclear) and come back

Mr. Glover: Okay. Then we'll continue the hearing until next

Atty. Thomas: And I'll make sure Mr. Pereira's available

Mr. Glover: Well, he may not have to be available, but I want to go up and talk to Rick. Am I right? If I go up and talk to Rick and we find a safe way for this stuff to go around, you don't care where his engineer comes or not? I'm not,

Atty. Thomas: They're not going to commit to you before the special exception hearing that anything is safe, you understand that. In other words, they're not going to say to you to say to me oh it's okay, because I still have to go through their application

Mr. Glover: Oh I understand that, but I can, I can grant you a drive-up window subject to the queue coming this way

Atty. Thomas: yeah

Mr. Glover: And they don't have to commit to anything

Atty. Thomas: No one ever takes my suggestion which is if they're concerned about people making left hand turns, put a sniper on the roof. A couple of you know, after a couple that's

Mr. Glover: You've got a (unclear), my house is burned to the ground and there's a sniper on the roof. Okay, so we'll continue the hearing until next month. Thank you.

Atty. Thomas: Thank you very much.

#707-7 470 Huntington Street, Kazimierz Zimnoch of 470 Huntington Street, Shelton, CT, is seeking to waiver Section 24, Schedule B, Standard 1, by varying the minimum lot area from 40,000 sq. ft. to 30,872 sq. ft. for a lot split.

During the work session the Board, upon motion by Mr. Conklin and seconded by Ms. Adanti, unanimously voted to deny the application for variance in minimum lot size, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

#707-8 470 Huntington Street, Rear, Kazimierz Zimnoch of 470 Huntington Street, Shelton, CT, is seeking to waiver Section 24, Schedule B, Standards 1, 3, and 4, by varying the minimum lot area from 40,000 sq. ft. to 22,179 sq. ft., the square on the lot from 150 ft. to 108 ft. and lot frontage from 135 ft. to 105 ft. or a lot split.

During the work session the Board, upon motion by Mr. Conklin and seconded by Ms. Adanti, unanimously voted to deny the application for variance in minimum lot size, lot square and lot frontage since no hardship within the purpose and intent of the zoning regulations was demonstrated.

Approval of Minutes

During the work session the Board, upon motion by Ms. Adanti and seconded by Mr. Conklin, unanimously voted to approve the minutes of the July 17, 2007 hearing as submitted by the clerk.

Respectfully submitted,

Loreen Michalak, Clerk