

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, January 16, 2007 at 7:30pm

AGENDA:

- #107-1 Robert J. Slossar at 14 Buck Hill Road, Lot 10A
- #107-2 Andrew Visinski at 47 Golden Hill Lane
- #107-3 John Ozelski, Jr. at 26 Waverly Terrace

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; Linda Adanti, Ed Conklin and Phil Cavallaro.

Mr. Glover: Good evening ladies and gentlemen and welcome to the January meeting of the Shelton Zoning Board of Appeals. The Zoning Board of Appeals meets monthly to decide variances and sometimes appeals. It's a very informal hearing situation but it is a hearing, you're giving testimony when you're here. The hearing is recorded on two tape recorders, one that stays at city hall for the record and the other is transcribed by our clerk over the month. If you do not like what our decision is, you have the right to appeal it; and in the case of an appeal the record is what goes to court, not the board, so it's important that the recordings be as clear as possible. I'd appreciate it if while you are in the hall and testimony is being given, that you refrain from having conversations with each other, talking on your cell phone, because those noises will be picked up on the tape recorder and it will make it difficult to transcribe and have a clear record later on. Tonight, on this side of the table we have Commissioner Ralph Matto, Commissioner Linda Adanti, our clerk, Lori Michalak, I'm Gerry Glover. To my right is Commissioner Ed Conklin and to his right is Commissioner Phil Cavallaro, who is brand new tonight. And welcome, Phil.

Mr. Cavallaro: Thank you.

Mr. Glover: Jamie Jones is our secretary, who is out of town tonight, so Linda Adanti will be filling in for Jamie Jones, which means we have a complete board of five members. Our regulations require that you have notified your abutting neighbors in writing and that you have taken four pictures of your house or your, whatever you're looking for a variance for, and that one of those pictures be, in that must be depicted the placard which you were supposed to put on the house. When you're called for your hearing, I will need to see the receipts that you did notify your neighbors and I will need to see the pictures that you're required to have. If you have them we will continue, if we don't have them we will continue the hearing until next month when you can provide them for us per our regulations. Ed?

**#107-1 14 Buck Hill Road**, Robert J. Slossar of 14 Buck Hill Road, Shelton, 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 36,136 sq. ft. and dimension of square from 150 ft. to 128 ft. for a building lot.

Mr. Glover: Mr. Slossar? Why don't you come here, we don't use the microphone because we can't see your exhibits from there.

Mr. Longmire: Oh, okay, he told me to stand up here.

Mr. Glover: No, you can sit down there's two chairs here. Have a seat.

Mr. Longmire: Oh, okay

Mr. Glover: Relax

Mr. Longmire: Alright, let me bring my

Mr. Glover: This is the friendly board.

Mr. Longmire: Oh, this is the friendly board. Here's the notice

Mr. Glover: Alright, these are all your abutting neighbors?

Mr. Longmire: Yes

Mr. Glover: Okay, and those, you, let the record show that you have four pictures

Mr. Longmire: Yes, I have something for each of the Board members here

Mr. Glover: You're spoiling us. Alright, could you please give your name and address for the record sir?

Mr. Longmire: My name is Andrew Longmire and I am a licensed land surveyor in the state of Connecticut and I work for Spath-Bjorklund Associates. And our firm is located, it a land surveying and engineering firm and our firm is located at 593 Main Street in Monroe, Connecticut.

Mr. Glover: And can you tell us what you want to do and why you can't comply to the zoning regulations of the City of Shelton.

Mr. Longmire: Well, if you'll just a, if you'll just take a look at the A-2 survey map that we've provided here, if you, look at that right there. We prepared for the Slossars and you can see that we are proposing to subdivide their existing conforming lot, containing roughly 1.75 acres. And that the Lot 10B conforms to all the zoning regulations, the proposed lot there. And for zone R-1, but lot 10 does not conform to all the, 10A does not conform to all the zoning regulations which is of course why we're here. And of the course the variances we're asking for is for a reduction in the lot area from the required 40,000 sq. ft. to 36,136 sq. ft. for Lot 10A and for the reduction of the square from 150 by 150 to 128 by 128. I believe that the hardship is that the exiting parcel, the whole 1.75 acres is oversized but not large enough to support two conforming lots. And if you'll look, this is the picture, if you look at the picture of lot, the front of Lot 10B, the fifth picture on your page there, you'll see what that lot looks like and you can see that it's not even being used at all. And if you look at the front of the picture of Lot 10A, on the right hand side of the, of that picture you can see where the yard just goes to the edge of the wooded area. And the location of the existing home and improvements provide an opportunity to create a conforming lot. And no setback waivers are requested on any of the lots. If you'll just look at Lot 10B, excuse me, Lot 10A you can see that it exists, that shows the existing conditions as they, as they exist now on the lot in that they are well within the setbacks, of all the setbacks. And the same goes for Lot 10B here. You can see that the proposed house that is proposed on there is well within the setbacks. So we're, there's no setbacks whatsoever requested. We believe that the granting of two waivers on Lot 10A are small and will not be apparent to those residing in the neighborhood. And again, I'd like to state that there are no variance on any setback of either lot; there will be no proposed changes to the existing lot on 10A and that the existing well and septic are confined only to lot, to Lot 10A there. And that's all existing conditions as I said before. You can see the septic right here and you can see from the front, the well in the back. So, the, the variances we're requesting are already existing on the lot and there'll be no proposed additions to that house there on Lot 10A. I just want to let you know that too. That house is existing as it stands. If you just again, take note of the pictures there, you can see that Lot 10B meets all the requirements, all the zoning requirements of the lot, of the R-1 district. It's in an R-1 district there.

Mr. Glover: Alright, these are served by city sewers, septic system and city water?

Mr. Longmire: No sir, wells

Mr. Glover: water and well

Mr. Longmire: sewer

Mr. Glover: Back up, it's septic system and a well

Mr. Longmire: septic system and a well

Mr. Glover: And so 10B would also need an additional well and a septic system when you make that another building lot

Mr. Longmire: Yes

Mr. Glover: Okay

Mr. Longmire: And I just want to pass out this letter here for the board to read, I'll just state kind of what it says

Mr. Glover: Well before you do, this letter involves itself with the inclusion of the steep slope area and lot area, lot

Mr. Longmire: Well, but we're only going for the variance on Lot 10A only

Mr. Glover: Right, so as I started to say

Mr. Longmire: I'm sorry

Mr. Glover: this letter deals with the Lot 10B, the inclusion of the steep slope area on that lot, that's what the letter deals with

Mr. Longmire: No, it deals with the septic system there

Mr. Glover: Okay, well the letter that we have in our file then does deal with the steep slope

Mr. Longmire: Okay

Mr. Glover: Hang on, let's get, take care of this one first. Ed, would you read that one?

Mr. Conklin read letter: "December 13, 2006. Mr. Gerald L. Glover, Chairman Board of Zoning Appeals, 54 Hill Street, Shelton, CT 06484. Re: Board of Zoning Appeals Application, 14 Buck Hill Rd. – Robert J. Slossar. Dear Mr. Chairman, This letter is to inform you and the Board that due to a mix up in communication between our company and the planning and zoning department, that there are no steep slope areas on Lot 10B as defined in Zoning Regulations/Section #5.25 as originally submitted. Due to this discovery we will be requesting a variance on Lot 10A for minimum lot area, and dimension of square only for the January 16<sup>th</sup> public hearing. Sincerely Andrew W. Longmire, L.S."

Mr. Glover: Alright, so just for the record,

Mr. Longmire: Yes

Mr. Glover: the, when you made the application you asked for three variances

Mr. Longmire: Yes sir

Mr. Glover: One of them was the inclusion of the steep slope area of, on Lot B and that is no longer a problem and it has been withdrawn and we're not acting on that today

Mr. Longmire: No sir, you're not

Mr. Glover: Okay, your turn.

Mr. Conklin read letter: "January 16, 2007. Board of Zoning Appeals, City of Shelton, 54 Hill Street, Shelton, CT 06484. Re: 14 Buck Hill Road, Shelton, CT. To whom it may concern, In September of 2006, this office conducted deep test holes and percolation tests (copy of results attached), which were witnessed by Valley Health, on the above referenced property before you this evening. It is the opinion of this office, based on these tests, that the proposed lot will support a 3 bedroom house and well which would conform to State of Connecticut Public Health Code regulations. Further, it is our opinion that there will remain sufficient area on Lot 10A to construct a code compliant system should the need arise to do so. Very truly yours, David S. Bjorklund, Jr., P.E."

Mr. Glover: code compliant meaning a reserve for 10A

Mr. Longmire: Yes sir

Mr. Glover: 10A has septic and room for a reserve

Mr. Longmire: Just as the letter states, yes

Mr. Glover: And 10B that has room for both a (unclear) area and a reserve. Okay, anything else?

Mr. Longmire: No that's all

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

Mr. Cavallaro: Letter states that 10A have a reserve as well?

Mr. Glover: Yes.

Mr. Conklin: Valley Health approved areas? Did you submit a plan to Valley Health

Mr. Longmire: No that will come later when

Mr. Cavallaro: they just witness

Mr. Longmire: Yes sir

Mr. Glover: Anyone else in this room in favor of this application? (no response) Anyone in favor of this application? (no response) Is there anyone opposed? (yes) Well, come forward please.

Mr. Pazik: My name is Rich Pazik, I live on 223 Buddington Road, and I just have a question. Are they going to do any blasting to put that house in? Because I have a well and so do my neighbors. We're concerned about causing damage to our wells if they have to do any blasting because that's not the best spot. It's pretty rocky

Mr. Glover: I can see from contour lines that it's up and down

Mr. Pazik: So that's our concern. If he's going to do blasting, then I have a problem with it

Mr. Glover: Do you envision blasting?

Mr. Longmire: Well, I just want to say that if rock removal is required, our first (unclear) would be (unclear) and remove the rock. And that blasting would be a last resort

\*\* tape messed up \*\*

Mr. Longmire: Blasting would be our last resort

Mr. Glover: but you're not ruling out blasting, you're just saying that would not be your first

Mr. Longmire: All blasting is of course by State and local Fire Marshal

Mr. Glover: The answer to your question is there is a possibility that they will blast. At that point you're in objection?

Mr. Pazik: Yes

Mr. Glover: Okay, thank you very much. Anyone else in opposition?

Ms. Ennist: I have a question about blasting because there's rock and ledge right there and my driveway is really close, it's like right next door to the property. And I just would be concerned that it's nice and wooded now, but it would be all cleared.

Mr. Glover: So your concerns are privacy and blasting

Ms. Ennis: Privacy and blasting, yeah

Mr. Glover: How long have you lived there?

Ms. Ennis: Um, (unclear)

Mr. Conklin: How large is your lot?

Mrs. Ennist: 1.75

Mr. Cavallaro: 1.75 deep

Mr. Glover: Are all the lots on that street 1.75?

Mr. Lonbmire: No sir, map, doesn't really say

Ms. Ennist: I don't have much on that one side, it's all

Mr. Glover: the one that's highlighted is your two lots, what would be 10A and 10B, it's actually one lot now. The one that's adjacent to it would be Ms. Ennist's property. There are some (unclear) that have 1.39 on this one, 1.5, we have .99 that must have been a pre-existing lot and as we go down Buddington Road, we have .99, 1.02, I'm not sure what this one is. It doesn't really say, 1.39, you can't tell

Mr. Conklin: So basically this neighborhood is like a sub-division of above one acre lots

Mr. Cavallaro: Any wetlands?

Ms. Ennis: (unclear) when I first saw them, storm drain deposits out right here in the woods, so it tends to be very wet at the bottom here (unclear) But I'm just really concerned about the privacy, cutting the trees down

Mr. Glover: Thank you

Mr. Cavallaro: wetlands (unclear)

Mr. Glover: Commissioner Cavallaro asked were there any wetlands on the lot?

Mr. Longmire: Not that I know of

Mr. Glover: Not that you know of. Is there anyone else in opposition to this application? (no response) Any final questions from the Board or comments? (no) Then I'll declare the hearing closed. Thank you.

Later that evening during the work session the Board, upon motion by Mr. Matto and seconded by Mr. Cavallaro, voted four to one (Matto, Adanti, Cavallaro and Glover voted for the motion and Conklin against the motion) that:

**#107-1** "In the application of Robert J. Slossar of 14 Buck Hill Road, Shelton, CT for a certificate of approval for a building lot to be located on the property of the applicant at 14 Buck Hill Road, Lot 10A, R-1 zone and which requires variances in the minimum lot area and dimension of square,

The application for variances is approved.

Inasmuch as the newly created lots will have legal frontage and have area enough for a septic system and required reserve area, and

Inasmuch as the proposed lot conforms to zoning in every other way and will need no additional variances, and

Inasmuch as it appears that all of the 36,136 sq. ft. is usable land area,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for variance in the minimum lot area from 40,000 sq. ft. to 36,136 sq. ft. and dimension of square from 150 ft. to 128 ft. at the above is granted (Section 24, Schedule B, Standards 1 and 3) 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.”

**\*\*Notation – Recording of meeting had a technical malfunction and much of the minutes for the following two hearings is not verbatim and typed from notes taken by the clerk\*\***

**#107-2 47 Golden Hill Lane**, Andrew Visinski of 47 Golden Hill Lane, Shelton, CT is seeking to waive Section 24.12.1 by varying the maximum height of a structure from 20 ft. to 24 ft. for a detached garage.

Mr. Glover: Good evening sir.

Mr. Visinski: Good evening

Mr. Glover: Alright we have some pictures. Do you have some receipts?

Mr. Visinski: Yes, I do

Mr. Glover: Alright, and these are all your abutting neighbors?

Mr. Visinski: Yes

Mr. Glover: Alright, you want to build a, you want to give your name and address

Mr. Visinski: My name is Andrew Visinski, I'm a resident of Shelton for 7 years living at 47 Golden Hill Lane. I'd like to build a garage on my property. I own over 5 acres. The size of the garage will be 30 by 40, I think the variance is over 700 sq. ft. (unclear)

Mr. Glover: Alright, and you want a 1200 sq. ft. garage

Mr. Visinski: Correct

Mr. Glover: And what are you going to do with this garage?

Mr. Visinski: it's going to be a four car garage for my vehicles

Mr. Glover: What kind of vehicles?

Mr. Visinski: Two Corvettes, (unclear)

Mr. Glover: Alright, so they're classic cars, they're not pick-up trucks and

Mr. Visinski: No, I own a machine shop in Seymour, I don't, I'm not a builder or contractor

Mr. Glover: Um, how big are the doors in this garage?

Mr. Visinski: They're going to be two 16 foot doors

Mr. Glover: 16 foot wide?

Mr. Visinski: Yes

Mr. Glover: How high?

Mr. Visinski: 8 feet high

Mr. Glover: Is it a one story garage or two story?

Mr. Visinski: Two story, (unclear) attic

Mr. Glover: And what's the attic going to be used for?

Mr. Visinski: (unclear)

Mr. Glover: Is there going to be electricity to the garage?

Mr. Visinski: Yes there will be

Mr. Glover: utilities like water, bathroom in the garage?

Mr. Visinski: No

Mr. Matto: Is it a gable roof?

Mr. Glover: Here Ralph, Phil's got a picture there

(unclear)

Mr. Glover: (unclear) on 5 acres

Mr. Visinski: Correct

Mr. Glover: How big is the house?

Mr. Visinski: 42 and it's got an addition

Mr. Cavallaro: Construction going on

Mr. Visinski: Yes it is, that's an indoor pool (unclear)

Mr. Glover: Alright, so what I'm hearing is you have 5 acres and you want to put a detached garage that's going to be 450 sq. ft. bigger than it's allowed, and higher

Mr. Visinski: Yes

Mr. Glover: And in this garage you're going to have four separate bays, but no living space in it. And you're going to put vintage cars (unclear) not tractors, tow trucks, you're not going to conduct a business out of it

Mr. Visinski: No

Mr. Glover: Is the garage heated?

(unclear)

Mr. Matto: You'd think it would overpower the house, until I see the house

Mr. Glover: Golden Hill is a dead end

Mr. Visinski: Yes it is, I extended it 600 feet

Mr. Cavallaro: What are the sizes of the other lots?

Mr. Visinski: Smallest lot is 2 acres

Mr. Glover: And you notified your neighbors

Mr. Visinski: Yes, nobody's opposing. I have my brother on one side, mother on the other, open space and pond down below.

Mr. Matto: mother and brother agreed

Mr. Glover: Any questions from the Board? (No) Is there anyone in the room who is in favor of this application? (No response) Is there anyone opposed to this application? (no response) Uh, you would agree to stipulations that the second floor can't be used for living space and that the garage can't be used to conduct a business?

Mr. Visinski: Yes

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

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

**#107-2** "In the application of Andrew Visinski of 47 Golden Hill Lane, Shelton, CT for a certificate of approval for a 30x40x24 detached garage to be located on the property of the applicant at 47 Golden Hill Lane, R-1 zone and which requires a variance in the maximum height,

The application for a variance is approved.

Inasmuch as the proposed garage is not out of character given the size of the property and the size of the existing house,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in the maximum height from 20 ft. to 24 ft. at the above is granted (Section 24.12.1) in this instance.

**This certificate of approval is contingent on the following stipulations: 1. The garage will be a one story structure with no living space. 2. No commercial business will be conducted out of this garage.**

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."

**#107-3 26 Waverly Terrace**, John Ozelski, Jr. of 26 Waverly Terrace, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 40 ft. to 30 ft. for a porch/gazebo addition.

Mr. Glover: Please give your name and address

Mr. Ozelski: John Ozelski, 26 Waverly Terrace

Mr. Glover: We got his name and address, do you have some pictures?

Mr. Ozelski: Yes

(unclear)

Mr. Glover: Alright, (unclear)

Mr. Ozelski:

Mr. Glover: These are all your abutting neighbors?

Mr. Ozelski: Yes

Mr. Glover: Two, one on each side and one in the back?

Mr. Ozelski: Yes,

Mr. Glover: Alright, you're looking for a street line setback from 40 to 30 feet, are you putting a porch on the house?

Mr. Ozelski: Yes sir,

Mr. Glover: Will it be an open porch?

Mr. Ozelski: Covered open porch on front, not the whole length - I'm a first time home buyer

Mr. Glover: Are there other houses on Waverly Terrace as close to the street or closer?

Mr. Ozelski: any houses closer?

Mr. Matto: Yeah, or same as yours?

Mr. Glover: When you put this porch on, will you be in harmony with the neighborhood?

Mr. Ozelski: Yes

Mr. Cavallaro: What's the proposed gazebo

Mr. Ozelski: would like to put a gazebo at end of porch, but not sure if we can do it – may not do it

Mr. Glover: You already have concrete steps out the front, approximately same distance as the porch will be?

Mr. Matto: looks like a platform and 3 treads

Mr. Ozelski: (unclear)

Mr. Matto: The ground appears to be fairly level

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

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

**#107-3** “In the application of John Ozelski, Jr. of 26 Waverly Terrace, Shelton, CT for a certificate of approval for a 33x5 porch and 8x8 gazbeo to be located on the property of the applicant at 26 Waverly Lane, R-1 zone and which requires a variance in the setback from the street line,

The application for a variance is approved.

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

Inasmuch as the proposed porch will visually enhance the house and the neighborhood, and

Inasmuch as the new porch replaces an old concrete porch,

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 40 ft. to 30 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

**This certificate of approval is contingent on the following stipulations: 1. The front porch will remain an open porch with no living space.**

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

### **Approval of Minutes**

During the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Matto, unanimously voted to approve the minutes of the December 19, 2006 hearing as submitted by the Clerk.

Respectfully submitted,

Loreen Michalak, Clerk