

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, November 20, 2007 at 7:30pm

AGENDA:

- #1007-1 Scott Wasilewski at Long Hill Avenue, Map 105, Lot 169
  - #1107-1 Vern Krill at Lots 60 & 61 Weybosset Street
  - #1107-2 Elisa Ferreira & Jose Silva at 15-17 Liberty Street & Adjacent Lot
  - #1107-3 Alfred Minervion at 60 Jane Street
  - #1107-4 Cathleen Dickovick at 307 River Road
- Possible Decision
- #1007-3 M. Montanaro – NSHE Leechburg, LLC at 60-64 Huntington Street

**\*\*Note from the Clerk: There was technical difficulty with the transcription equipment during the hearing and the record that follows for this meeting is incomplete.\*\***

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, Phil Cavallaro, Ed Conklin and Jack Fitzgerald.

Mr. Glover: Good evening ladies and gentlemen and welcome to the November meeting of the Zoning Board of Appeals. We do not have a very long agenda tonight, so we'll try to go through them as quickly as possible. When you appear before the Zoning Board of Appeals, these are hearings, you're giving testimony. We record on two recorders and later on our recordings are transcribed and that creates the record of the meeting. If there's any dispute anytime in the future and any decision are appealed or any lawsuit or court action, it's the record that goes to court, not any of us, it's just the record. And the courts go by what the record says. This is a small room and a hot room but the acoustics in this room are horrible. And if you have conversations out in the hall, they will be picked up on the tape recorders and we will not have a clear record. So I would ask your cooperation to not talk on your cell phones and not talk to the people around you. If you want to have a conversation, please go out in the hall because it will garble the record. With us tonight on my left Commissioner Ralph Matto, Commissioner Jack Fitzgerald whose standing in for Commissioner Jamie Jones who cannot be here tonight. To my left is Ed Conklin. I'm Gerry Glover, I chair the meeting and to my right is Phil Cavallaro and filling in for our clerk tonight is Diana Barry. Two of the requirements, regulations of our Board are that you have notified your abutting neighbors and so when it comes time to have your hearing tonight, I will be asking you for receipts showing that you did comply with that and that you did notify your abutting neighbors. The other thing that we require is pictures of your property. One of the pictures should have that little yellow placard that you were supposed to be put in your window or on the front lawn, it should show in the picture for the record. As we go through the evening, I will run the meeting. The meeting will be that the applicant will come up and tell us what he or she wants to do, then we will question the applicant. After we're finished questioning the applicant we will ask for people who are in favor of the application and then we will ask for people who are opposed to what the applicant wants to do. Everybody will get a chance to speak, but at no time will this become a dialog. One person will be speaking at a time so that we can keep a clear record.

**#1007-1 Long Hill Avenue, Map 105, Lot 169**, Scott Wasilewski of 2 Wabuda Place, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 2 by varying the minimum lot area per dwelling unit from 7,500 sq. ft. to 7,146.5 sq. ft. for a two family house.

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

Mr. Wasilewski: Good evening, Scott Wasilewski, 2 Wabuda Place

Mr. Glover: This is a continued hearing. We had most of the, the majority of the hearing last month. The only requirement that you didn't have is that you didn't have evidence that you sent a letter to the state. Do you have that?

Mr. Wasilewski: Yes

Mr. Glover: Okay, like I said the hearing for the most part was held last month, it's a lot that the record will

reflect, and your only variance that you need is that you're required to have 7500 sq. ft. per dwelling unit and when you make this two family house you will only have 7136.5 sq. ft. per dwelling unit. Do you have anything else you want to add to the record?

Mr. Wasilewski: No

Mr. Glover: Does the Board have any further questions for Mr. Wasilewski? (no) Is there anyone in this room who is in favor of Mr. Wasilewski, not Mr. Wasilewski, but the application? (no response) Is there anyone who's opposed to this application? (no response) Final questions? (no) Then I'll declare the hearing closed. Thank you, Scott.

Mr. Wasilewski: Thank you

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

**#1007-1** "In the application of Scott Wasilewski of 2 Wabuda Place, Shelton, CT for a certificate of approval for a two family house to be located on the property of the applicant at Long Hill Avenue, Map 105, Lot 169, R-4 zone, and which requires a variance in minimum lot area per dwelling unit,

The application for variance is approved.

Inasmuch as this is a minor variance consistent with the intent of the zoning code, and

Inasmuch as the applicant owns the adjacent parcel and there are other multi-family homes in the area.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in minimum lot area per dwelling unit from 7500 sq. ft. to 7146.5 sq. ft. at the above is granted (Section 24, Schedule B, Standard 2) 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."

**#1107-1 Weybosset Street, Lots 60&61**, Vern Krill of 101 Cranston Street, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 25 ft. to 14 ft. for a 26x44 single family dwelling.

Mr. Glover: Mr. Krill? Good evening

Mr. Krill: Good evening

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

Mr. Krill: Vern Krill, 101 Cranston Avenue in Shelton

Mr. Glover: Mr. Krill, can you tell us what you want to do and why you can't conform to the zoning regulations?

Mr. Krill: The Lots in question are 60 and 61 Weybosset Street, and what we're requesting is a setback from the street line from 25 to 14 ft. The reason why this request is made is because of the rear portion of the property is wetlands and Mr. Cook (unclear) discussion that he would proposed that we move it out of wetlands completely and to do that I would have to move it up relatively closer to Weybosset Street (unclear).

The hardship here is this property has been owned by my family since the 20's, 1920's continuously (unclear) Krill is currently the owner. All this property was purchased by my grandparents (unclear) development and these are the last two parcels of the 20 that they owned at one time and of course my mother still owns them and of course this is for her consideration and she's given me the authority to speak for her. One of the considerations that we have (unclear) if you take a look at this here, required here is 7500 sq. ft., we are actually combining 61 and 62 with an overall lot area of 15,836, it's almost doubled what is the required size of the lots in an R-4 area. This is served by sewer, city water. Presently right now there is a water course off it drains off the road coming onto the property (unclear) right here. What I propose is I'd give the City an easement and what I'm proposing here is also a storm drain on the opposite side of the street within the easement to regulate the water off this property here which is (unclear) the house right across the street, 36, which had had some problems with flooding actually showing (unclear) away from this area which is draining from (unclear) to mediate the water. So by this plan here we're taking care of any water (unclear) putting this water right now into the property (unclear) And also this area right here, is a deeded restriction easement. This is almost half of the entire property is going for a deed restriction for wetlands. You can see at the top of the property here, City of Shelton, this is whole part existed wetland property. So I think we're making a lot of considerations here (unclear) getting something done 90 years later and (unclear)

Mr. Glover: These are two lots now?

Mr. Krill: Yes

Mr. Glover: that you've been paying taxes on

Mr. Krill: Yes

Mr. Glover: separately?

Mr. Krill: Yes

Mr. Glover: Lot 61 and 62?

Mr. Krill: Yes

Mr. Glover: Are you combining them or keeping them separate?

Mr. Krill: No, we're combining them, like I said from 7500, we have a lot area now that's almost 14,000 sq. ft., so it's almost double what is required

Mr. Glover: So Lot 61 and 62 are they becoming one lot?

Mr. Krill: Yes

Mr. Glover: They are – so you're merging two lots.

Mr. Krill: Yes, we're merging two lots

Mr. Matto: How far is the wetland, wetlands (unclear) how far is the house away from wetlands?

Mr. Krill: let me get two scenarios here. The first scenario is if we were not to move the house forward. You can see here, this is the (unclear) and this is the back of the house here, this right here would be the existing wetlands

Mr. Cavallaro: So the house would be in the

Mr. Krill: would be in the wetlands. So this is the first proposal and Mr. Cook saw it and said you know what, (unclear) so this is the second drawing with the house (unclear) no wetlands at all in the footprint (unclear) no wetlands See all of this area here of course would be deeded wetland restriction

Mr. Fitzgerald: Are you hooked up to the city water?

Mr. Krill: city water and city sewer

Mr. Conklin: So you have two lots there

Mr. Glover: They're combining them into one, into one lot and as they are right now, it looks like about 60% of the lot is wetlands

Mr. Krill: Uh, actually, um the lot area is 13,836 wetland would be 7, 8, 9 so we're talking probably 13,000 vs. 7000

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

Mr. Krill: But these lots, um, you know the standard lot in this area is 100 ft. deep, these are 140, so a lot of that of course would be, not be considered

Mr. Glover: What you're citing as your hardship is the wetlands

Mr. Krill: the wetlands

Mr. Glover: You have no control over (unclear) and it totals more than ½ of the lot

Mr. Krill: The consideration here too and the hardship is (unclear) water runoff from Weybosset, it aggravates a situation that existed forever. I mean we're talking, not just regular runoff, (unclear) Probably across the street (unclear) develop both sides of Weybosset Street, (unclear) Weybosset and Beecher (unclear) and I took the liberty to take (unclear) you can see these were pipes now and there is more water than ever going into these pipes (unclear) catch basin considerable amount of water, more than ever

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

Mr. Matto: And your assured by wetlands that it's okay if you get this variance. Wetlands is

Mr. Krill: Yeah, (unclear) Mr. Cook, his consideration

Mr. Glover: Mr. Cook doesn't want the house in the wetlands

Mr. Matto: right and that's his suggestion to put it there

Mr. Krill: (unclear) suggestion also, because that was (unclear) establish the boundary that we could never go beyond that (unclear)

Mr. Matto: John Cook himself is satisfied with this plan

Mr. Krill: Well he pretty much helped (unclear) from the first proposal significant changes were because of his consideration

Mr. Fitzgerald: (unclear) as one lot? Those two lots are pre-existing?

Mr. Krill: (unclear) I'm not trying to, you know, make the situation worse than it is. I'm trying to work with the city, trying to work with the neighbors in the area, and if I make them two lots here, I think, you know giving half of this to the city as an easement I think should suffice a lot of feelings and hardships perhaps of people that were against.

Mr. Glover: Can I have those pictures and receipts?

Mr. Krill: sure. But no I didn't consider (unclear) to answer your question.

Mr. Glover: (unclear) notice, thee are all your abutting neighbors?

Mr. Krill: This is my mother, and the opposite side is Mr. Waldhaus.

Mr. Glover: Thank you. If it were grant it would you agree to a stipulation that you would have to convey that easement over to (unclear)

Mr. Krill: absolutely

Mr. Glover: Does the Board have any other questions for the applicant? (no) Is there anyone in this room who is in favor of this application? (no response) Alright, is there anyone who is opposed to this application? Before, before you come forward, (unclear)

Mr. Conklin read letter: "36 Weybosset Street, Shelton, CT 06484, (203) 922-8253 (H). November 20, 2007. Mr. Gerald Glover, Chairman, Zoning Board of Appeals, City of Shelton, 54 Hill Street, Shelton, CT 06484. Dear Planning and Zoning Commission Chairman Mr. Glover: I am writing to request that you please revoke the petition for a variance for the proposed household development of Weybosset Street. I have lived on Weybosset for three years now. The distance from my driveway to the proposed development is approximately 17 feet wide. This development would be placed on wetlands and on a curve in the road. I have storm drains that are located on my property that dump into the proposed land. This development would greatly impact the overall neighborhood including traffic, wildlife that live in the woods, overall quality of life, and the view from my house would be greatly impacted. Not following the planning and zoning regulations and allowing for a variance in setback from 25 feet to 14 feet would allow this development to be too close to my property. Therefore, I am opposed to this development. I will be unable to attend the meeting tonight but would like to go on record as being opposed to this. Thank you for your consideration. Sincerely Gary Patronelli."

Mr. Matto: Where is he, across the street?

Mr. Glover: 36 - Alright, you are, would you come forward please?

Mrs. Waldhaus: My name is Norell Waldhaus, I live at 35 Weybosset Street. We're concerned about the wetlands situation. If there is fill going to go into those, that proposed lot for building, is it going to raise the water level and come into our property? I have a pool there that's already been affected by it (unclear) and it's caving in. I'm just wondering if that's going to affect our property and also the safety on the road. There is a lot of housing that's gone up in the last few years and people are parking out on the road because they have short driveways. And I'm wondering if this is going to add also to the safety factor.

Mr. Glover: It appears that this one has a, has a driveway and (unclear) off street parking to this house

Mrs. Waldhaus: Yeah I know, but there's a lot of houses that are already built there and people are parking on the street because they don't have enough room. They have three cars and they have one, one place to park in front of their house. So I'm just uh concerned about that too.

Mr. Glover: you're concerned about filling the wetlands too

Mrs. Waldhaus: filling the wetlands and uh

Mr. Glover: filling the wetlands or filling the lot?

Mrs. Waldhaus: well probably filling the lot because what I've heard here tonight is that there is, they're deeding that property to the city? The wetlands?

Mr. Glover: Yes

Mrs. Waldhaus: okay, but they still have to bring fill into that lot because it's below the street level. Okay?

Mr. Glover: Thank you

Mrs. Waldhaus: Thank you

Mr. Glover: Anyone else in opposition? (no response) Mr. Krill, are you going to be filling the lot

Mr. Krill: If you look at the topos here, um, 284, 282, 273, you know, it appears just the frontage right in front of the house here, will be only filled to here. This would be an underneath parking so obviously this isn't going to be filled

Mr. Glover: the garage is under the house

Mr. Krill: Right. You know this is parking area here will be well over 40 feet you know that's a pretty good (unclear) for parking. The other consideration is the pool. There is a pool here and you can see the wetlands is not up to the side variance. This would be existing. There's no fill at all going into this, into the wetlands. There's no impact here at all in the wetlands.

Mr. Matto: zero fill in wetlands

Mr. Krill: Zero

Mr. Matto: no construction in the wetlands

Mr. Krill: None. If you look again at the topos you can see the, there's very very little fill except to come up to to the front of the foundation. The other um question that was brought up that somebody at 36 said that this house would be close. I'd like to show the street map, the house here, this would be 36 and you can look at the encroachment that that house has on Beecher Ave., so I hope that if we're being fair, to say that that didn't exist and that person was (unclear)

Mr. Glover: This is Mr. Waldhaus's property. This is the property we're talking about, the man that was

Mr. Krill: (unclear) that house is not 25 foot from the setbacks

Mr. Matto: So what you're saying is (unclear)

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

Mr. Krill: That person said themselves in the letter that the another water for their house is draining onto their property well, we're going to mediate the situation and I think I brought this up that there is one existing manhole cover which he said on this property. There's also another proposed catch basin on the other side. So it will take care of the water both sides of the street, so we're making the situation better than it is.

Mr. Matto: Right

Mr. Glover: Alright does the Board have any other further questions of the applicant?

Mr. Glover: I declare the hearing closed.

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

**#1107-1** "In the application of Vern Krill of 101 Cranston Street, Shelton, CT for a certificate of approval for a 26x44 single family dwelling to be located on the property of the applicant at Weybosset Street, Lots 60&61, R-4 zone, and which requires a variance in the setback from the street line,

The application for variance is approved.

Inasmuch as the lot is approximately 60% wetlands and the presence of the wetlands make it necessary to place the house closer to the street, and

Inasmuch as the applicant is merging two pre-existing building lots for this one house, and

Inasmuch as other houses in the area are placed similarly creating harmony

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in setback from the street line from 25 ft. to 14 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

**This certificate of approval is contingent on the applicant providing easements and drainage as discussed and presented to the Board during the hearing.**

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.”

**#1107-2 15-17 Liberty Street & Adjacent Lot**, Elisa Ferreira & Jose Silva of 15 Liberty Street, Shelton, CT are seeking to waiver Section 24, Schedule B, Standards 2, 3 and 4 by varying the minimum lot area per dwelling unit from 7500 sq. ft. to 5174 sq. ft., minimum dimension of square on the lot from 60 ft. to 50 ft. and lot frontage from 60 ft. to 48 ft. for a single family dwelling.

Mr. Glover: Good evening, can I have your name and address for the record?

Mrs. Silva: My name is Patina Silva, I'm Jose Silva's mother and he is out of state and cannot be here and (unclear)

Mr. Glover: Can I have some receipts please? And these are your abutting neighbors?

Mrs. Silva: this is not abutting, but we were written down that (unclear)

Mr. Glover: and do you have some pictures?

Mrs. Silva: Yes and what I did because they're a little confusing to me, I wrote on the back of them

Mr. Glover: Is this the Savitsky property?

Mrs. Silva: yes

Mr. Glover: or was

Mrs. Silva: was

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

Mrs. Silva: I'd also like to submit these just for the record

Mr. Glover: What are these?

Mrs. Silva: these are basically other properties that have dimensions that are similar to what we are requesting and some of them were constructed as early as this year so

Mr. Glover: But are they in the same zone?

Mrs. Silva: I think so

Mr. Matto: Is this an existing lot situation Gerr?

Mr. Glover: We're going to find that out in a second. Alright, so tell us what you want to do

Mrs. Silva: Okay, this lot is nearly .60 plus or minus of an acre; however, it has a large portion of it which is on a slope which can't be used for anything (unclear) if the land is not used

\*\*Pause in tape\*\*

Mrs. Silva: as to the minimum dimensions of the square lot, there's more than ample property it just isn't. As to the frontage, this proposed lot would have roughly 50 frontage, because if you add up the space to place a driveway between the houses for the existing home and this proposed home (unclear) parking in front of it as well. The proposed lot will have nearly (unclear) acre and is very common for this downtown area. We'd have (unclear) River Road, across the street from Cranston Avenue and on Howe Avenue, Newport, Highland Avenue, Coram Road, North Oak Avenue and New Street, this dimension (unclear) with (unclear) and the proposed lot. I've never done this before, so (unclear)

Mr. Fitzgerald: You did all right

Mr. Glover: When did you purchase this property?

Mrs. Silva: This property was purchased in 2004, in August 2004

Mr. Glover: And when you purchased it, it was obviously one piece

Mrs. Silva: we were told it was a possible building lot

Mr. Glover: (unclear) possible building lot, but you bought it as one piece

Mrs. Silva: Right, actually, there were actually two pieces on the deed and up until November of last year we actually thought that we had (unclear) Wall Street, which the Savitsky's said, the Savitsky family had been told that that piece was not sold to us. Even though Mr. Savitsky had said he didn't own nothing on Liberty Street or Wall Street, but we were paying taxes on two pieces but we just found out that that's not our land (unclear) So we were a little confused. And our two pieces still on our lot, or there are two pieces on the deed.

Mr. Matto: Does it spell them out as, as lot numbers or

Mrs. Silva: No

Mr. Matto: or it just has dimensions

Mrs. Silva: they're by dimensions and we're at (unclear) property put together

Mr. Matto: at one point

Mrs. Silva: Yeah, apparently our pieces were joined made this piece how it is today. It didn't start out this way

Mr. Matto: But, all by itself

Mrs. Silva: Is one piece

Mr. Cavallaro: But the property in question you get one tax bill

Mrs. Silva: Now we only get one tax bill correct

Mr. Glover: And you have a driveway going into this house, so you have off street parking

Mrs. Silva: Correct

Mr. Glover: You're not planning on parking on the street

Mrs. Silva: No

Mr. Glover: And these are served by city sewers

Mrs. Silva: Yes and

Mr. Glover: and water?

Mrs. Silva: Correct

Mr. Glover: And it appears that you can maintain setbacks, it's just the lot and you're saying that the lot slopes off the back

Mrs. Silva: Well, it slopes this way, from here down

Mr. Glover: Right, so it slopes toward Center Street

Mrs. Silva: Toward Center Street, correct and there's pictures there of Center Street looking up and you can't fill, you can't do anything

Mr. Glover: Yeah, we're familiar with it because we've had a lot of (unclear) on Wall Street

Mrs. Silva: Right, which is one that we tried to contact, but they didn't pick up the mail (unclear) but they're really not adjoining neighbors

Mr. Glover: (unclear)

Mrs. Silva: See, we thought that this piece, we thought it (unclear)

Mr. Glover: Alright, does the Board have any other questions? (no) Is there anyone in this room who is in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (yes) Mr. Shuster, come up please?

Mr. Shuster: My name is Ed Shuster. I own the property adjoining the rear of the property on the Liberty Street. The barn is a hazard. It's a post barn. There's no foundation or cellar to it. I wouldn't oppose replacing the barn in the footprint, but I would be opposed to any dwelling, especially a two story dwelling on that property. I did look at the map and the proposed building and it's showing the dimensions of the building, but I see no dimension or no dimensions for rear deck or access to it. I really think the lot is too small as far as parking is concerned. When they put that proposed building there, if they do, they're not going to have a driveway for the existing Savitsky building, or parking. They're going to have to park in front of the proposed building. But I am concerned with the access of children, people, to the back of the property, which abuts to my garages in the back of my property at 24 Fairmont Place. I have to say that they do build right on the border with their proposition. There is a, a shed there already existing that is right on the border, which I don't object to. But I do object to putting any type of dwelling with people in it so close to my border in the rear.

Mr. Glover: Thank you sir.

Mr. Shuster: Thank you.

Mr. Glover: (unclear)

Mr. Zalensky: Robert Zalensky, 16 Union Street right next door. Could you explain the actual variances being (unclear)

Mr. Glover: They're creating a lot and the lot area per dwelling unit is supposed to be 7500 and they're only going to have 5,174. The dimension of the square on the lot is supposed to be 60 feet and it's going to be 50. The square on the lot is a tool in the zone that, that helps to define the size of the lot. In other words, if it had to have 20,000 ft. in it, a lot could be, in theory, could be a foot wide and 20,000 feet long. So they put the minimum square on the lot

\*\*Tape had to be changed – seem to have lost part of the last hearing\*\*

**#1107-3 60 Jane Street**, Alfred Minervino of 64 Jane Street, Shelton, CT is seeking to waiver Section 24.2 by varying the location of the square on the lot to not lie within the area required for setback from a street line for a building lot

\*\*hearing was apparently started but missing from the tape recorder until this point \*\*

Mr. Paul ?: My name is Paul (unclear) 8 (unclear) Street, to the left of the property if you're facing it. This here was when the land was first divided, (unclear) when the land was first divided from the entire property, where was the square located at that point when the surveyor did it?

Mr. Glover: It looks like it was located on the third rear of the lot here

Mr. Paul (unclear): (unclear) right here is

Mr. Glover: Okay

Mr. Paul ?: (unclear) property that's a, like a Shelton easement through there

Mr. Glover: Is that shown on your map?

Unidentified Voice: No

Mr. Glover: (unclear) Mr. D'Amico

Mr. Fitzgerald: (unclear) at that map

Mr. Glover: there's an easement on this map, is that correct?

Unidentified Voice: It's always been there (unclear)

Mr. Fitzgerald: it's up to the surveyor to put it in there, it should be in there if it exists

Mr. Glover: (unclear)

\*\*Several talking at once – unclear

Mr. Glover: Where's your house?

Mr. Paul ?: (unclear)

Mr. Cavallaro: is it an underground pipe, is it actually a pipe

Mr. Paul ?: Well, that was what I (unclear) It comes down from Regan Circle, goes down through the Savignano's old property, goes through Wilson's, goes through Reilly's

Mr. Glover: Alright, so you think that there's an easement through this property

Mr. Paul ?: Well, it's definitely there, (unclear) when the surveyor's split that off, whoever did that (unclear) separate the land

Mr. Glover: Alright, so are you opposed to the application?

Mr. Paul ?: Yes I am

Mr. Matto: I'm trying to, see I'm trying to figure out why, what both your concern is, assuming that that (unclear)that stream water is there

Mr. Paul ?: That was the original square

Mr. Glover: (unclear) original square

**\*\*Several talking at once – unclear\*\***

Mr. Glover: but I don't think that the (unclear) of the original square (unclear) build the land as much as it defines the shape of the lot

Mr. Paul ?: and if anything that creates (unclear)

Mr. Glover: (unclear) if there's an easement it should be on the map there

Mr. Matto: So, so what, what is it? Is it a 50 foot square? Is it, I don't follow

Mr. Glover: Well, there's no 50 foot square shown on this map. It's not indicated

Mr. Matto: No because the dimension (unclear) I can't see from here

Mr. Glover: Oh, I'm sorry

Mr. Matto: Yeah, you got 100 foot frontage

Mr. Paul ?: 50 foot frontage

Mr. Matto: I mean the total initial parcel

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

Mr. Glover: The initial was 100 x 178.6 on one side and 77 on the other side

Mr. Matto: Right

Mr. Glover: And they split it

Mr. Matto: they split it, right

Mr. Fitzgerald: Paul could you show us where (unclear) the catch basins are?

Mr. Paul ?: Well, they're not catch basins (unclear) from Regan Circle all the way down to in front of Highland Golf Course

Mr. Fitzgerald: Regan Circle is up there, right?

Mr. Paul ?: correct

Mr. Matto: So what would you assume (unclear)

Mr. Paul ? : Shows it from the garage and then comes down on an angle

Mr. Matto: Alright, and how big would the return have to be (unclear)

Mr. Paul ? : Well, I was just questioning I they first divided the land saying that this (unclear) this is where, (unclear) to divide the land. And I was just curious how can they use this area as the reference point when that runs right down the middle of

Mr. Matto: I was (unclear) understand if this whole thing was one piece of land

Mr. Paul ? : Correct

Mr. Matto: the zone is R-5 which calls for 50 x 100 lots and they have enough frontage here, frontage here. So if this is 50 and this is 50, that stream wouldn't affect it. It needs 5,000 sq. ft. and it's got 8,400 sq. ft.

Mr. Paul ? : I believe that the sale was made well this area being, the first laid out for the house (unclear) made the statement. And so if that was the case, then it was first believed to be there for, this area for the house

Mr. Matto: Yeah, but what I see this is the proposed lot?

Mr. Paul ? : correct

Mr. Matto: Okay

Mr. Fitzgerald: (unclear)

Mr. Matto: Back in here. But that's way in back of the house

Mr. Fitzgerald: (unclear) but isn't there a street down here, where the, there's a brick house (unclear)

Mr. Paul ? : It comes under the street and goes right down to almost to Highland Golf Course.

Mr. Glover: Paul, what (unclear)

Mr. Paul ? : Excuse me?

Mr. Glover: I'm sorry (unclear) Is there anyone else who is opposition? (yes) Can you give your name and address please?

Ms. Lisa ? : My name is Lisa (unclear) I live at (unclear) here to see (unclear) on behalf of my mom, Mary (unclear). She's concerned (unclear) her backyard abuts the current, you know the current property. So is the new property's backyard going to be abutting my mother's property?

Mr. Glover: there will be no change to your mother's property. Here, this is the map here, she is here

Ms. Lisa ? : This is all going to stay the same (unclear)

Mr. Glover: No, right there

Ms. Lisa ? : because we were concerned, you know, the way the yards are and the area (unclear) Thank you.

Mr. Glover: So on behalf of your mother, do you have opposition?

Ms. Lisa ? : I'm just going to (unclear)

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

Unidentified voice: Not in opposition, just had a question, this is a proposed single family dwelling that's going in there

Mr. Glover: (unclear)

Unidentified voice: okay, well, okay

Mr. Glover: Okay Paul, first of all, where are the people in this proposed house going to park?

Mr. Paul ?: Well, I think the idea was similar to what this house, this house is set up with the driveway running along side here and it opens up to a (unclear) here

Mr. Glover: right, and that has 14 feet and that has 8 feet

Mr. Paul ?: (unclear) a driveway, I'm going to have to work something in the front depending on the style of the house (unclear) garage or something. It would have to be, I thought the house could actually be moved back a little bit (unclear)

Mr. Glover: Well, it probably can but then you get into where (unclear) regulations say you can't park on the lawn. What's the width of this proposed dwelling?

Mr. Paul ?: About 20, 29 feet

Mr. Glover: And is it a single family house?

Mr. Paul ?: (unclear)

Mr. Glover: So it's 28 by, what's the length?

Mr. Paul ?: Oh gosh, Uh, this is (unclear) I'm guessing it's a, looks like about 40 feet

Mr. Glover: Can I suggest that you go back to the surveyor and ask him for (unclear) that would show a driveway and a place to park (unclear) and maybe as connection (unclear) Those are all significant factors in this. And you might ask him for a (unclear) map

Mr. Cavallaro: (unclear)

Mr. Glover: Yeah, and it gets narrow in here

Mr. Cavallaro: right and it's only 28 (unclear) feet wide and (unclear)

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

Mr. Conklin: (unclear) requesting

Mr. Glover: Yeah, I am, I think you have a 10 year old map here and I think there should be a subdivision map (unclear) and (unclear) should show (unclear) And I'll continue the hearing until next month.

**#1107-4 307 River Road**, Cathleen Dickovick of 307 River Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 6 ft. to 0 ft. for a front porch addition.

Mr. Dickovick: My name is Paul Dickovick, I live at 307 River Road.

Mr. Glover: Hold on a second. Alright, once again, your name?

Mr. Dickovick: My name is Paul Dickovick. I live at 307 River Road (unclear) house. And we're looking for a variance for the front porch. We had done a previous variance for the addition on the side of the house 3 or 4 years ago and we built the other side of the house. And we told the builder that we wanted a front porch and he said it's included in the permit. And evidently, well he took off on us, which is another story, but we had somebody else finish the house for us and we finally got enough money to put the front porch on and the building inspector told us to go ahead and get the footings inspected for the front porch. And we did and he inspected them and they were fine and we started building it and then we found out that the permit doesn't cover the front porch.

Mr. Glover: (unclear)

Mr. Dickovick: That's my neighbor's

Mr. Glover: Is this all your abutting neighbors?

Mr. Dickovick: Yes, there's only two

Mr. Glover: Alright, and you're going to put a front porch, it's just like a deck

Mr. Dickovick: Yeah, well we're going to have a roof on it too

Mr. Glover: Alright, so you're actually going to have a roof on it

Mr. Dickovick: Yes, 18 by, 18 ½ x 7, which will bring us right to the 0 mark of the front setback

Mr. Glover: And in the original zoning application for the addition, does it show a deck on the front?

Mr. Dickovick: No, I don't think so

Mr. Glover: Okay, how do you know, you're asking for 0

Mr. Dickovick: Yeah

Mr. Glover: How do you know where 0 is? How do you know that it's not -1 or 1?

Mr. Dickovick: I'm not 100% sure on that. But what, the method that I got from you guys, I had a copy of that too. It shows it as 7 feet from the front of the house and that's what we're going by

Mr. Glover: Whose map shows it at 7 feet?

Mr. Dickovick: the previous zoning

Mr. Glover: you're asking for a 0 setback variance on the State right of way

Mr. Dickovick: Yes,

Mr. Glover: And

Mr. Dickovick: There's still quite a bit of property, well not quite a bit, there's still some property out in front of the porch too

Mr. Glover: (unclear) State and then (unclear)

Mr. Dickovick: Oh, I understand that. But there are some houses in the neighborhood that are actually closer to the road (unclear) the house is closer, not just the porch. And I have pictures of those

Mr. Glover: Well, nothing can be closer than 0

Mr. Matto: Can I ask, how far is your house from the pavement?

Mr. Dickovick: With the porch?

Mr. Matto: No, the way the house is now

Mr. Dickovick: Oh, I'd say 17 feet, 18 feet

Mr. Matto: So the State owns roughly 10 feet, so from the pavement and you're left with 6 feet. So if you had a 6 feet porch you're going to be touching the State property line

Mr. Dickovick: Yes

Mr. Matto: the street property line

Mr. Dickovick: Yes

Mr. Matto: Okay, I understand now

Mr. Conklin: You're saying you're (unclear)

Mr. Dickovick: and that shows how much more property is left, roughly

Mr. Glover: I understand that, but that doesn't mean that it's your property line

Mr. Dickovick: No, I understand that. There is a cement wall there, that's been there for (unclear)

Mr. Glover: Is there any monument, state monument there? You're on the corner lot, is there a marker or anything?

Mr. Dickovick: No

Mr. Fitzgerald: He'll have to have that surveyed (unclear)

Mr. Glover: That's the problem. I don't know where your, I don't know where your property ends

Mr. Dickovick: The original porch that was on the old part of the house was actually out farther than that and it was touching, the steps came down on top of that concrete pad that's there

\*\*Tape ended\*\*

Hearing was continued until next month.

Respectfully Submitted,  
Loreen Michalak, Clerk