

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, July 15, 2008 at 7:30pm

AGENDA:

- #708-1 Fairchild Heights Residence Association Inc. – Appeal
- #708-2 David T. & David W. Jensen at 14 Oronoque Trail
- #708-3 Elizabeth Salemme at 26 Soundview Avenue
- #708-4 George F. Sherman at 122 Coram Road (Lot 1)
- #708-5 George F. Sherman at 122 Coram Road (Lot 2)
- #708-6 N. Purchase/Shelton Car Wash at 811 River Road

Possible Decision on:

- #508-1 James Blakeman at Buddington Road, Map 62, Lot 12 (Lot 1)
- #508-2 James Blakeman at Buddington Road, Map 62, Lot 12 (Lot 2)

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

Alright, good evening ladies and gentlemen. Welcome to the July meeting of the Shelton Zoning Board of Appeals. We meet regularly, monthly, to satisfy variances and appeals. When you speak in front of the Zoning Board of Appeals you're actually, you're giving testimony, it's a hearing. We keep a record on two tape recorders which later on in the month are transcribed. The tape recorders are reasonably sensitive and they will pick up conversations, cell phones, conversations, from the room. So I would ask your cooperation to refrain from having conversations with people while the hearing is going on. Feel free to go out in the hall to talk if you want, but if you talk it will, if you talk it will garble the record. If anyone is unhappy with the way the Zoning Board of Appeals votes and has a desire to appeal our decisions, it is that record that goes to Superior Court. People, we don't go to the Superior Court, the record does, so it's important to everyone to have a clear record. So it's important to us that you give us the cooperation of being quiet during the hearing. If any time you cannot hear, feel free to move closer to the front. This room is equipped with a microphone behind us but because the nature of this Board is that we view maps, documents, letters and other, other items it makes it inappropriate for us to go up on the stage while you're down here. So again, if you cannot hear at any time feel free to come forward. If it's a hearing that you're interested in you can come and sit right up in front here and, to be a part of it. And if you can't hear in the back, get my attention and we'll speak louder or you can move to the front. Our regulations in terms of variances require that you have posted your property, that you have taken pictures of your property. One of the pictures should have the, the placard, the yellow card that you were given depicted in the picture. You are also required to notify your abutting neighbors by certified mail of the hearing. We, when you, when your case is called, when your hearing is started we can only start the hearing if you have receipts for me and you have pictures for me. If you don't have them, then we will continue your hearing until next month when you can bring them. This evening present on the board to the left is Commissioner Jack Fitzgerald. Next to Jack is Commissioner Bob Harbinson, Lori Michalak is our Clerk, I'm Gerry Glover. To my right is Jamie Jones, to his right is Commissioner Ed Conklin and to his right is Commissioner Phil Cavallaro. Jamie? Oh, I'm sorry, and to his right is Linda Adanti. I'm sorry Linda, you switched seats.

#708-1 804 Bridgeport Avenue, Fairchild Heights Residence Association, Inc. of 46 Hemlock Drive, Shelton, CT for an appeal of the Shelton Planning and Zoning Commission Decision of Certificate of Nonconformity (May 15, 2008): Fairchild Heights Manufactured Housing Community.

Mr. Glover: Is someone here to represent the applicant? Would you come up here please?

Atty. Smith: Patrick Smith of Zeldes and Cooper, of Fairchild Heights Residents Association

Mr. Glover: Have a seat Attorney Smith. Alright, you have his name and address for the record. Yes sir?

Atty. Smith: We would like to request a continuance of this hearing to the next available date. Testimony of the president of the association we believe is critical to the matter of the appeal and she is presently unable to be here due to a family emergency.

Mr. Glover: Alright, so you're, one of your key witnesses has a family emergency?

Atty. Smith: That's correct. To the extent you know we would have to extend the 35 day rule or waive any objections that we would.

Mr. Glover: Alright, then unless the Board has an objection to it I don't really have a big problem in continuing it, but you're going to have to furnish us with a letter giving us an extension of time to complete the hearing.

Atty. Smith: Okay, I'll do so.

Mr. Glover: Sir?

Atty. Lonardo: Excuse me, Attorney Lonardo, I represent Mr. Doolan and Fairchild Heights. May we be heard on this request for a continuance?

Mr. Glover: Yes. Could you give your name and address

Atty. Lonardo: Sure, Attorney Thomas Lonardo, L-O-N-A-R-D-O, of Meridan, I represent Mr. Doolan and Fairchild Heights, Inc. We would strenuously oppose the continuance of this hearing for several reasons. First of all, I just learned of this request from Attorney Smith 10 minutes ago. Although I understand that he had been petitioning your Board for over a week for a continuance I find the lack of decency and respect and cooperation to be appalling to start with. I'm here, my client's here. Several other residents of the Association are here on behalf of Mr. Doolan. It's an inconvenience for all of us. The courteous thing would have been to request our consent or at least inform us of the request before tonight. It's not fair. Secondly, the issue before you is just an interpretation of a town ordinance, whether or not my client's use of the property is a non-conforming use. I'm not aware that the unavailable witness tonight is an expert on Planning and Zoning. I don't think it requires any testimony. It's pure legal argument. Her, her attendance here tonight is not necessary. Thirdly, my client is in the process of planning and developing and improving his property with this hanging over his head, it would push him back another month, he would lose a month of the summer for construction purposes and such for no real reason. I would ask that the hearing go forward today. Attorney Smith has a law degree, he can interpret the statutes, make his argument, and I can respond to it and you people can determine what the correct interpretation is. But that's all it's been, Mr. Schultz came up with his opinion and it was adopted unanimously by a Planning and Zoning Commission. The legal interpretation was supported by the town attorney, Mr. Sous.

Mr. Glover: Hold on, this is not the time to make your

Atty. Lonardo: No, okay, but I mean it's just purely a legal issue.

Mr. Glover: Attorney Smith is there some reason you didn't inform Mr. Lonardo? Did you know of him?

Atty. Smith: Yes I did, and it was an oversight and to that I apologize. However, I do think that there are factual issues at stake here that require the testimony of Miss Dickle. She was a resident of the park for 30 years. We're talking about non-conforming use and when the use is discontinued for a year you cannot return to that non-conforming use, it's not simply an interpretation of an ordinance. There are facts to be determined and I think what she, as a long time resident, is critical to our appeal.

Mr. Glover: Well you brought, go ahead

Atty. Lonardo: May I just briefly respond to that?

Mr. Glover: Go ahead

Atty. Lonardo: The non-conforming use is the use of the land as a mobile home park, that's what the statutes say, 21-68, I can provide you all with copies of that if we get into the hearing later. Unless Mrs. Dickle is prepared to testify that the park itself, the use of the property as a mobile home park has been discontinued for more than a year, since zoning laws were adopted by this town, then her testimony has no relevance. The fact that one particular home may be vacant, doesn't negate the non-conforming use. So her testimony doesn't matter.

Atty. Smith: I disagree, I think it's lot by lot. There's 31 lots that are at issue here and those lots in our opinion are not allowed to be issued a non-conforming use permit. I don't think you take (unclear) parcel in todo, especially when you're renting out individual pieces. But we shouldn't get into the legal argument here. What I'm asking for is a continuance.

Mr. Glover: We're not getting into legal argument here. Sir, we're not going to start a legal argument.

Atty. Lonardo: But, his request for a continuance is based on a reason that his client's testimony is essential and that's all I'm arguing.

Mr. Glover: I understand that, but I would think that he would know what's important to his case better than what you know what's important to his case. As you would know what's important to your case better than he knows what's important to your case.

Atty. Lonardo: Well, I would disagree as to whether or not he, he knows better what's important, or else we both wouldn't be here.

Mr. Glover: I would say you both have a law degree and I don't, so, who's right and who's wrong legally, but he has brought an appeal or representing a group that has brought an appeal and as part of his appeal it's, it's his opinion that one of his witnesses who has had some family emergency is key to this case. It's regrettable that you didn't inform this attorney

Atty. Lonardo: It's despicable, it's not regrettable, excuse me,

Atty. Smith: you can use all the vitriol you like Mr. Lonardo, but you know, I did apologize to a professional, it was an oversight. These are things, we juggle a lot of different things and it didn't come from (unclear)

Mr. Glover: Alright, the applicant has asked for a continuance, how does the Board feel about it?

Mr. Jones: I don't know if we want to consider starting the hearing. I have a feeling we might not be able to make a decision tonight and we might leave it open anyhow. If we wait another 30 days and then we still leave it open it'll be another 30 days until we can make a judgment on it.

Mr. Glover: So, are you in favor of the continuance or not in favor of the continuance?

Mr. Jones: I'm not, out of respect for them I think we could still, in 30 days if we decide we can't close the hearing tonight, we can leave it open.

Atty. Lonardo: If it's left open then the witness would still have an opportunity to present her testimony.

Mr. Glover: Can your witness be available next month?

Atty. Smith: Yeah, I believe so.

Mr. Glover: Um

Mr. Jones: I just don't know (unclear)

Mr. Glover: Phil, how do you feel about it

Mr. Cavallaro: I think we should go ahead with it.

Mr. Glover: Alright, Jack?

Mr. Fitzgerlad: Yeah, I think so

Mr. Glover: Bob?

Mr. Harbinson: yeah

Mr. Jones: Are you in favor of that Mr. Chairman?

Mr. Glover: Yeah, if the Board thinks we should. Mr. Smith, I'm going to deny your request.

Atty. Smith: Okay

Mr. Glover: We're going to start the case and we will, we will continue the case until next month when you can bring your president and witness forward and we'll still be able to have his or her testimony.

Atty. Smith: Okay, very well.

Mr. Glover: Are you prepared?

Atty. Smith: Yeah, I'm prepared to go forward.

Mr. Conklin: Mr. Chairman, I'm going to recuse myself from this.

Mr. Glover: Alright, let the record show that Commissioner Conklin is going to recuse himself and, Linda will you be here next month?

Mrs. Adanti: Yes, I will

Mr. Glover: Alright, then I will appoint Linda to fill his place. Let the record indicate that Commissioner Conklin is in the process of leaving the hall.

Mr. Fitzgerald: Should I?

Mr. Glover: It's up to you. Do you think you should recuse yourself?

Mr. Fitzgerald: I think so

Mr. Glover: You do? Alright, let the record indicate that Commissioner Fitzgerald has also recused himself from the hearing and I will appoint Bob Harbinson to take the place of Jack Fitzgerald. You can go out with Ed. Thank you. Alright, now, we're going to start this and continue it until next month. Phil, will you be here next month?

Mr. Cavallaro: I'll make it a point.

Mr. Glover: Jamie?

Mr. Jones: I hope so.

Mr. Glover: Okay, Bob?

Mr. Harbinson: Yes

Mr. Glover: If there is, if there are people who are interested in this case, as I assume there are, feel free to come forward and bring a chair and sit down so you can hear what's going on here. Okay for everyone who has joined us up in front here, again, this is a hearing. I am going to chair it. And we're going to start with Attorney Smith. He is the one who will have the floor. He will call whatever witness that he needs. And in the meantime the rest of us have to listen, not talk. Mr. Smith?

Atty. Smith: Thank you Commissioner, and members of the Board. We believe that the Planning and Zoning Commission of the City of Shelton granted the non-conforming use certificate in error because the 30 additional lots that were allowed in that certificate, what happened here is we have 108 lots and there was an

application to increase it to 139 lots and we believe that the certificate of non-conforming use under, was granted in error in the sense that it violated ordinance 41-, 41.5 that says no non-conforming use of land, building or other structure which shall have been discontinued for a continuous period of one year and thereafter will resume to replace by any non-conforming use. The 30 or 31 lots I'm not quite sure which the number is, that were now granted non-conformity in the application have, at least 5 years and up to 30 years, not been mobile home park lots. I submitted with our objection an affidavit from Miss Dickle that outlines that. I can go through each one of these, but the problem is some of these lots have been turned into turn arounds for the roads, some of these lots have been paved over for parking lots. Some of these lots have just been grassy areas. I don't think any of them have slabs that are required for mobile home parks. And I as I said, these have all been existing in this state from anywhere from 5 to 30 years. So that clearly exceeds the one year non-conformity use. And the fact of the matter is that the test to see if somebody's abandoned a non-conformity also looks at the intent of that party. And when somebody paves over a lot to turn it into a street turn around or just lets it lie fallow or makes no preparations to have it become a mobile home lot, that's intent to abandon the non-conforming use. And under the law of the State, it's our position that Mr. Doolan, rather Fairchild Heights, Inc., the owner of the property, had abandoned these 30 or 31 lots intentionally by allowing them to lay fallow, turning them into things they weren't, turning them into gravel lots, storage areas, allowing people to put sheds on them, whichever. And there was also talk at one point of, that I understand but Miss Dickle's not here, that there were discussions several years ago about merging lots together. That's an intention to abandon the lot. So we clearly believe that the certificate of non-conformity was granted in violation of the section 41.5 and the lots clearly exceeded that one year mark. And Fairchild Heights, Inc. has acted intentionally in abandoning these lots for their non-conforming use.

Mr. Glover: How many lots are there now?

Atty. Smith: 108 I believe

Mr. Glover: And, and how many lots does, does the applicant, not the applicant, but does the park want?

Atty. Smith: I think that the non-conforming use certificate, Mr. Lonardo can correct me if I'm wrong, but I believe it increased it to 139

Atty. Lonardo: I will correct him, it didn't increase it to 139, there always were 139

Mr. Glover: Now, before we go further, it's unusual in the State of Connecticut for a Planning and Zoning Commission to be appealed to the Zoning Board of Appeals. Typically that's not done. Typically if there's a dispute like this it goes directly to the Superior Court. But in our town the final okay for a certificate of compliance is voted on by the entire Planning and Zoning Commission, which is kind of not typical to most towns. When the Planning and Zoning Commission votes on those issues, they are acting as Zoning Enforcement Officers. So we are really here hearing this appeal against the Planning and Zoning Commission acting as Zoning Enforcement, rather than legislators or regulators. So that's why we're here. In other towns where the Zoning Enforcement Officer makes the call it would go directly to, the Planning and Zoning's decision would go directly to the Superior Court. But you're here because our Planning and Zoning acts as, in terms of zoning compliance, applications for zoning compliance as Zoning Enforcement Officers. Alright, so your issue is that, is that the, from 5 to 30 years there have been some abandoned sites

Atty. Smith: Correct

Mr. Glover: And you're citing that they're, in your opinion they're abandoned because people put sheds on them, people parked on them

Atty. Smith: they've been used as parking spaces, they've been used as a turn around for dead end streets or street parts, people have been allowed to use them. We don't believe that they come prepared with slabs on these lots, or they're just grass or storage areas in general. And that shows an intention to abandon the non-conforming use.

Mr. Glover: Are any of these lots served by city sewers?

Atty. Smith: That I don't know. Miss Dickle would be able to tell you that.

Mr. Glover: Are they served by sewers or septic do you know?

Atty. Smith: I believe that this was, part of the park is served by septic, part is served by sewer and I believe there is new construction going on in the park installing some sewer lines there.

Mr. Glover: Okay, so are any of these lots or all of these lots served by water, public water?

Atty. Smith: That I don't know

Mr. Glover: Okay. So of the 31 lots that are in question, you don't know at this point whether they have any services to them.

Atty. Smith: No, I do not know. I was going to rely on Miss Dickle's

Mr. Glover: That's fine, we'll, we can, we can get that next month. That's not a problem. Alright, do you have any other witness besides

Atty. Smith: No I don't, that's it.

Mr. Glover: Okay, so sir?

Atty. Lonardo: Thank you. Just to clarify the issue of the number of lots, if you would take a look at Mr. Schultz's April 18, 2008 letter to the Shelton Planning and Zoning Commission, it says specifically after he walked through the park with Mr. Doolan, Staff, which I take it to mean him, inspected the subject property on April 18, 2008, with the owners to document as-built conditions of the community. Specifically the following site information was established. 1. Staff has determined the total number of sites currently existing serviced both the municipal sewers and electricity and maintained for occupancy is 139. So, contrary to Mr. Smith's contention, Staff, your Planning and Zoning Administrator, did not find them to be abandoned from use. He made a finding that was adopted by the Planning and Zoning Commission that there were 139 sites as of April. But, that being said, that's not the issue before you, or it shouldn't be the issue before you. We came here originally pursuant to 41.10.1 which says that the owner of a park has to submit to the Planning and Zoning Commission a request for approval of the non-conforming status of said trailer park. Not of the number of units, all we have to do is get your agreement that the use of the land is for a mobile home park and it has not been interrupted and it has been continuous. And Mr. Schultz cited some evidence from my client that the park's been in continuous use since the late 40's and it's been in my client's family for many years of that time. That's the only issue, not how many units or pads or homes are allowed in the park. Whether or not it is an existing mobile home park which existed prior to the adoption of your zoning ordinances in the town and which is continued in that use uninterrupted period. It doesn't matter if we have 10 units or 110, 108, or a 139. There's a recent statute from last year, Public Act 7-43 which modifies Section 21-68 and I'll provide you with copies, which basically says that placement of a mobile manufactured home in a park by another home, whether of the same size or of different size, shall not constitute an expansion of a non-conforming use. So it has nothing to do with the units, the homes, the pads. The non-conforming use is the park itself, not each individual lot. It doesn't matter if there's a home on the lot at this point. This statute says that my client can replace an old home with a new home and it can be the same size and it can be larger. And it doesn't say it has to be replaced within a year. It doesn't say within 5 years or even within 30 years. Mr. Schultz found that there are existing identifiable lots and we are free to put new homes on them at any time according to our State legislature. So I would respectfully say this was the interpretation of Mr. Schultz. It was adopted by your Planning and Zoning Commission and there should be a letter in the file from Attorney Sous confirming the findings and the approval by the Planning and Zoning Commission that it does not violate any laws. What Attorney Smith is asking you to do is to ignore your own ordinance and its intent, and ignore a State statute adopted a year ago. And I don't think that that's within your powers with all due respect. Thank you.

Mr. Glover: Thank you. Do you have any other witness to

Atty. Lonardo: Mr. Doolan would like to make a brief statement.

Mr. Glover: Mr. Doolan, would you please give your name and address for the record? Attorney Lonardo, do you have a copy of the letter from Schultz?

Atty. Lonardo: I only have one copy, but

Mr. Glover: We don't have a copy of that letter. Would you like us to mail you back a copy?

Atty. Lonardo: you can just fax it back tomorrow

Mr. Glover: What's your fax number?

Atty. Lonardo: 203, you can just put it on the back, 203-639-9862

Mr. Glover: Okay, thank you.

Mr. Doolan: I'm Jeffrey W. Doolan, president of Fairchild Heights, Inc., 804 Bridgeport Avenue, Shelton, CT. Since 1962 Fairchild Heights has been a family business. We're committed to operating a good mobile manufactured community and we're committed to Shelton. I've read in the papers that Rick Schultz was getting complaints from a few of my park residents that I was expanding my park. I have not purchased any land adjoining my property recently. Most of you know the adjoining property around my park is fully developed. You know that there's Route 8 in the back of my property and then there's Bridgeport Avenue in the front of my property. So when you read in the papers I am expanding my park, I haven't built any new roads and I haven't expanded any new roads. So when people say I'm expanding my park I don't know where they're coming from. I have accumulated vacancies over the years so I can make some major capital improvements into the park. I did this because I don't have the powers of eminent domain. I intend to fill these vacancies as I make the capital improvements. It's an old park and I'd like to keep it in good running order. I don't understand how it came to be the center of several newspaper articles because some people claim I'm expanding the park. Those home sites with utilities already exist. It is the nature of our business that old homes are destroyed on site or removed for other uses. The lot is vacant, the road and utilities are still there. New homes are brought into the park, set upon a vacant lot and sold. We have been doing this since the park was built over 60 years ago. This is normal business for us. I have a right to fill the vacant lots with new homes. The number of home sites is in plain view. Our operations are done in the bright sunlight of day for all to say. Occasionally, I see city officials driving through the park. Nothing we do or have done is a secret. We are not expanding the park. My park is an asset to the City of Shelton. I'm not asking for approval for what already exists. I'm asking for confirmation of my park's non-conforming use with 139 home sites for mobile manufactured housing. We serve a segment of the Shelton community housing needs that is not being filled by recent developments. Fairchild Heights is an asset to the residents of Shelton. A public hearing was held. Rick Schultz made a staff report to the Planning and Zoning that recommended that Planning and Zoning recognize Fairchild Heights as an existing non-conforming mobile manufactured community. A subsequent meeting of the Planning and Zoning unanimously confirmed our status. The continuous use of my land as a mobile manufactured park with 139 existing home sites is the non-conforming use and it is the only issue on the table for this Commission. I ask on behalf of my, of our family and the many more park residents that support my position, that you confirm the decision of the Shelton Planning and Zoning Commission. Thank you.

Mr. Glover: Alright, as we said from the onset

Atty. Smith: May I, do I have a rebuttal or no?

Mr. Glover: I'm not going to give you a rebuttal, I'll tell you why, because you'll have a month to rebut it and you'll have your witness here in August and hopefully in August perhaps a representative of the Planning and Zoning Commission who is the one who is appealed against here might have a representative here and they might be able to tell us something of what went on in this situation. So we'll be looking for someone from the Planning and Zoning to speak to this. So I respect, I'd like to give you, what you asked for is to continue it, I think we do need to continue it so that you can bring your witness in. We've started it. At this point, because the statute says we start it and we have 35 days to complete it, we don't need a letter from you.

Atty. Smith: Very good Mr. Chairman.

Mr. Glover: Okay? And a point of fact, I think that it does you and your client more of a service because in August you can, if you need to bring more information in here, you can ask for an extension of it at that point and get another 35 days, if you need it. So I'm going to continue the hearing until August 15th, 18th, 19th?

Clerk: The third Tuesday.

Mr. Jones: I'm just curious, what are the size of the lots?

Atty. Smith: They vary

Mr. Jones: Okay, they do vary

Atty. Smith: Every one's different

Mr. Jones: Okay. Is there a possibility that the, at the next meeting you can bring like a plot plan for

Atty. Smith: We can bring a map

Mr. Jones: a map that would be appreciated

Atty. Lonardo: That's how this all started, Mr. Schultz requested a map and my client had an A-2 survey prepared showing the lots and it's on file. You might ask your Planning and Zoning Officer for that also, if it's not too much.

Mr. Glover: So we're going to at this point stop for tonight and continue the hearing and bring, is it Mrs. Dickle?

Atty. Smith: Yes

Mr. Glover: and bring Mrs. Dickle and bring whoever you want and invite you back

Atty. Lonardo: Well, thank you

Mr. Glover: And so you both win because it is continued, but we got to start it tonight

Atty. Lonardo: Am I to understand that you're allowing him to bring witnesses above and beyond Mrs. Dickle or just Mrs. Dickle for the next hearing, because that's all he requested is a continuance

Mr. Glover: He just requested Mrs. Dickle

Atty. Lonardo: So just Mrs. Dickle, or can we expect

Mr. Glover: Do you have other people that you need to?

Atty. Smith: no

Mr. Glover: we'll restrict it to Mrs. Dickle and perhaps a representative of the Planning and Zoning Commission

Atty. Lonardo: Is it up to you or us to invite that person for the next meeting?

Mr. Glover: Planning and Zoning?

Atty. Lonardo: Yeah

Mr. Glover: I think it's up to them to come. I don't think they need an invitation. Alright, we'll continue it.

Atty. Smith: Thank you Mr. Chairman and members of the Board

Mr. Jones: Should we get Ed and Jack?

Mr. Glover: Phil, could you go out and retrieve those other two.

#708-2 14 Oronoque Trail, David T. & David W. Jensen of 14 Oronoque Trail, Shelton, CT are seeking to waiver Section 24.4, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 18.2 ft. for a revised property line.

Mr. Glover: Is there anyone in this hall who has an interest in a sign at the Shelton Car Wash?

Clerk: River Road

Mr. Glover: on River Road? If there is, the gentleman representing that had a family emergency and cannot be here tonight and we will continue that until next month because of his family emergency. And so if you're here waiting for that case to come, please don't waste your time. Good evening. Would you please give your names and addresses for the record?

Mr. Pereira: My name is John Pereira, P-E-R-E-I-R-A. I live in 96 Winibig Trail, W-I-N-I-B-I-G, Shelton, CT

Mrs. Jensen: And my name is Maria Jensen. I live at 14 Oronoque Trail, Shelton, CT

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

Mr. Pereira: Yes, she's also my sister. We're both the property owners so the Commissioners understand

Mr. Glover: And you should give me the pictures and the receipts

Mr. Pereira: Yes, the hoses in the picture Commissioner, represents the property line, here property going into my driveway right now. And I own 25 feet on the other side of that

Mr. Glover: May I have those receipts?

Mr. Pereira: Yes, this is the letter we sent to the neighbor

Mr. Glover: You have one abutting neighbor?

Mr. Pereira: Yes

Mr. Glover: Mr. Lyden?

Mr. Pereira: Yes

Mr. Glover: And that is the one that was formerly Racine Pagliaro, here?

Mr. Pereira: No,

Mr. Glover: You're over, is this yours? Lyden is here,

Mr. Pereira: Yeah

Mr. Glover: and this is yours

Mr. Pereira: Correct

Mr. Glover: and Trail is over here

Mr. Pereira: Right, and I own, this is my sister's property right here, you can see it comes into my driveway and then I own 25 feet all the way down between here house and the other house. We're trying to swap that to that, to you know, make the property lines.

Mr. Glover: Alright, go ahead and tell us what you're doing.

Mr. Pereira: So what we wanted to do is I wanted to give her the 25 feet that you see down along the side there which I really have no use for and it's actually part of her yard if you look at the way the property goes

Mrs. Jensen: It will make our yard more square

Mr. Glover: Alright, yours is 14

Mrs. Jensen: Yes

Mr. Glover: Okay, and, and yours is the one that's 96

Mr. Pereira: Correct

Mr. Glover: And 96 owns a piece of property 25 feet by 103 feet behind 14

Mr. Pereira: right

Mr. Glover: And

Mr. Pereira: I'm looking to switch only 84

Mr. Glover: Hang on, and 14 owns a piece that is roughly 28 on Winibig by 74

Mr. Pereira: right

Mr. Glover: and that belongs to 14

Mrs. Jensen: Correct

Mr. Glover: What I think, and your driveway goes across 14's property, 96 goes across 14's property

Mrs. Jensen: Yes

Mr. Glover: And there's a shed. Whose shed is it?

Mrs. Jensen: it's my shed

Mr. Glover: Okay, that's your shed on your property

Mrs. Jensen: On my property, but it's next to his house.

Mr. Glover: I understand. So what you want to do is you want to take a portion of your property, you want to take a portion of your property from the back of her property and join it to hers. And you're going to swap a piece from the side of her property and put it onto yours.

Mr. Pereira: Correct

Mr. Glover: and, and when you do that, you're going to have a problem with the rear property line?

Mr. Pereira: Yes, because of the deck

Mr. Glover: Oh, okay, so Oronoque is your frontage?

Mr. Pereira: Yes, Oronoque is her frontage correct

Mr. Glover: And so that the problem is with her property once she gives you that piece of her property.

Mr. Pereira: Right, my brother-in-law would have been here but he got deployed to Iraq.

Mrs. Jensen: I have power of attorney right here

Mr. Glover: Okay, so you're brother and sister and you're swapping two lots to make them more conforming with traditional lots

Mr. Pereira: And clean up the property lines so there wouldn't be an easement

Mr. Glover: And what are you going to do with the shed?

Mr. Pereira: we're going to move it

Mrs. Jensen: Yeah, we'll probably just get rid of it.

Mr. Glover: And the only, the only variance that you need is the rear property line on 14 because of the deck that's on there.

Mr. Pereira: Correct

Mr. Glover: What do we have for utilities here? Are there any public utilities, any water, any sewers that go through any one of these pieces?

Mr. Pereira: No

Mr. Glover: So there's nothing but soil?

Mrs. Jensen: Rock

Mr. Pereira: Ledge, well, it's Pine Rock Park, so, most of you are familiar with, yeah there's nothing there

Mr. Glover: And your hardship here is that you have two crazy pieces of property and one of you is driving over another person's property all the time.

Mr. Pereira: Yes

Mr. Glover: and the granting of this variance makes two pieces of property look like what are normal lots.

Mr. Pereira: Correct

Mr. Glover: Alright, does the Board have any other questions? (no) Anyone want to see this map? For those of you just seeing the map, Lot 14 has a shaded area in the back that's 84x25, that belongs to 96 and the other shaded area presently belongs to 14. And they're going to take the rear part of it 103x25 and give that to 14 and we're going to take the side part, which is the rear property of 14 and join it onto 96. Can you see that? Does the Board have any other questions?

Mr. Cavallaro: Yeah, how did that happen in the first place?

Mr. Glover: This is Pine Rock Park

Mr. Pereira: it's all like that throughout

Mr. Glover: This is Pine Rock Park, and in Pine Rock Park sometimes the road goes through the house. Um, is there anyone in this room in favor of this application? (no response) Is there anyone who is opposed to this application? (no response) Any opposition? (no response) Final comments or 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 Mr. Cavallaro voted unanimously that:

#708-2 “In the application of David T. & David W. Jensen of 14 Oronoque Trail, Shelton, CT for a certificate of approval for a revised property line/deck located on the property of the applicant at 14 Oronoque Trail, R-3 zone, and which requires a variance in setback from the rear property line,

The application for a variance is approved.

Inasmuch as the lot line revision does not increase or decrease the size of the lot, but creates a more conforming lot, and

Inasmuch as the proposed lot line revision eliminates one neighbor's driveway from encroaching across the petitioner's driveway,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in setback from the rear property line from 30 ft. to 18.2 ft. at the above is granted (Section 24.4, 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.”

#708-3 16 Soundview Avenue, Elizabeth Salemme of 40 Golden Hill Lane, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 11 ft. for an existing barn for a lot split.

Mr. Glover: Mr. Salemme?

Mr. Salemme: Hello

Mr. Glover: You don't look like Elizabeth, but I'm sure that you're going to represent her

Mr. Salemme: I'm representing Elizabeth, if that's okay.

Mr. Glover: Could you give your name and address?

Mr. Salemme: Michael Salemme, 40 Golden Hill Lane, Shelton, CT

Mr. Glover: And is Elizabeth your mother?

Mr. Salemme: Elizabeth is my wife

Mr. Glover: Your wife, okay

Mr. Salemme: And she could not make the meeting, unfortunately

Mr. Glover: Okay, you're buying this piece of property on Soundview Avenue

Mr. Salemme: Yes

Mr. Glover: is that correct? And it has an existing barn on it

Mr. Salemme: Yes it does

Mr. Glover: And you want to leave the barn

Mr. Salemme: Yes I do

Mr. Glover: and you want to divide it and when you divide it the barn is going to be 11 feet from the rear property line

Mr. Salemme: yes

Mr. Glover: Is that right? So is the other lot going to be a rear lot?

Mr. Salemme: The other lot is going to be a rear lot and it meets all the criteria of a rear lot, other than, other than that one area

Mr. Glover: City water?

Mr. Salemme: Yes

Mr. Glover: Sewers?

Mr. Salemme: Uh, it is being brought into Planning and Zoning with a septic system, but sewers are a possibility

Mr. Glover: Okay

Mr. Salemme: and a probability

Mr. Glover: and so if any, if either which one of these properties is your wife going to live in?

Mr. Salemme: In the front house

Mr. Glover: in the front one, existing. And the back one, are you going to be selling that?

Mr. Salemme: There is a possibility.

Mr. Glover: Okay, now it is a rear lot so it has to have 40 foot setbacks all around it, where a front lot only needs 30

Mr. Salemme: Yes

Mr. Glover: So at the nearest point to the setback line you're going to be 55 feet away

Mr. Salemme: Uh,

Mr. Glover: from the setback line of the other house

Mr. Salemme: approximately, yes

Mr. Glover: Did you notify the neighbors?

Mr. Salemme: Yes I did

Mr. Glover: Can I have the pictures and receipts please?

Mr. Salemme: This was, sorry that got ripped, but that's a copy of the letter, these are the return receipts and there is one that was returned opened, and those are all the neighbors, all the abutting, adjoining neighbors

Mr. Glover: Alright, so they've all been, they've all been notified

Mr. Salemme: Yes

Unidentified voice: (unclear)

Mr. Glover: No, not yet. Are you interested in this case?

Unidentified voice: Yes

Mr. Glover: No, your turn will come. Can you hear it?

Unidentified voice: Pardon me?

Mr. Glover: Can you hear everything?

Unidentified voice: Yeah

Mr. Glover: Okay. How big is the existing barn?

Mr. Salemme: It's approximately 1600 sq. ft.

Mr. Glover: So would that be like 30 feet by

Mr. Salemme: Uh, 73, um

Mr. Glover: If this is 28, then this must be 30 plus feet

Mr. Salemme: About 30 by 30, 60, about 75

Mr. Glover: And what is the barn used for now?

Mr. Salemme: Uh, the present owners use it for their lawn equipment and so forth

Mr. Glover: And what will your wife use it for?

Mr. Salemme: probably the same.

Mr. Glover: Is it in good condition?

Mr. Salemme: It's in very good condition. And it's a, the house is about 250 years old and that is probably just a little less than that.

Mr. Glover: Is there any water, electricity or

Tape had to be changed

Mr. Salemme: There is electricity

Mr. Glover: there's electricity, from the house?

Mr. Salemme: yes

Mr. Glover: Okay.

Mr. Salemme: No other utilities that I'm aware of

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

Mr. Cavallaro: I'd like to see the print

Mr. Jones: It seems miniscule but it's like a 100th of an acre short, that's within

Mr. Glover: He didn't ask for that variance

Mr. Salemme: Uh, which piece

Mr. Glover: It's actually Jamie, you mean the 1.49 in back?

Mr. Jones: Yeah, I mean

Mr. Glover: But it's 63 feet, it's 63,000, 63,000 sq. ft.

Mr. Salemme: I think they, yeah, they ask for 60

Mr. Glover: they ask for 60

Mr. Jones: Yeah, okay

Mr. Salemme: and it's, actually it's exactly 60 and then the right of way is

Mr. Glover: I don't think so, I think it says 64, I think on the map it says 6400, I mean 64,000

Mr. Salemme: Oh okay, okay, I thought it was 64,000 less 4,000 for the right of way

Mr. Glover: I don't think so, I think it spells out the, you may be right, I just glanced it and you own it

Mr. Salemme: I thought that was the case, but

Mr. Glover: Phil what does it say for, on the rear lot what's the size of the lot?

Mr. Cavallaro: Well, you've got two dimensions, you got 64,600 total and then it says the access-way, 56, so you'd think that the 4956 would come off of the 64

Mr. Glover: But there's in excess of 60,000 in the back lot

Mr. Conklin: It says contiguous area 60,000 sq. ft.

Mr. Glover: so he has

Mr. Jones: He's got enough

Mr. Glover: 60,000

Mr. Jones: Would it be fair to say that

Mr. Glover: Mike, could you stop opening that, because she's going to hear every one of those wrinkles

Mr. Salemme: Oh, I'm sorry

Mr. Glover: and I sit on this side of this so she can't kick me

Clerk: I didn't kick you

Mr. Glover: because she usually kicks me

Clerk: I'm giving him dirty looks but he's not picking up on it

Mr. Jones: Would it be accurate to say that if he decided to remove the barn or move it, he would not need this variance?

Mr. Glover: Yeah, the granting of the variance lets him keep the barn

Mr. Jones: Yes

Mr. Glover: That's all

Mr. Glover: Phil, any questions?

Mr. Cavallaro: No

Mr. Glover: Ed?

Mr. Conklin: No

Mr. Glover: You guys want to see this map?

Mr. Jones: Do you have immediate plans to build a house there or is it just contingent on (unclear) sale that you split the lot?

Mr. Salemme: I am, if my house sells I'm hoping to keep this the way it is for quite awhile.

Mr. Jones: It's a nice piece of property

Mr. Salemme: The house I'm living in now, so, I'm hoping that that's the situation

Mr. Harbinson: The barn's going to go with the back lot?

Mr. Salemme: The existing home

Mr. Harbinson: Oh, with the existing house

Mr. Salemme: Yes

Mr. Glover: Alright, do you guys have any questions down there? (no) Alright, is there anyone in this room who is in favor of this application? (no response) Is there anyone who is opposed to this application? (yes) Sir?

Mr. Lockwood: I just wanted to, I just, I live in the property behind it and

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

Mr. Lockwood: Frances Lockwood. I live at 3 Sportsman Drive, Shelton

Mr. Glover: Okay, and Mr. Lockwood, what do you need to know? What would you like to know or what would you like to say?

Mr. Lockwood: I'd love to see the plan. And I don't know, I'm adjacent to the property, next door to the property and we weren't notified.

Mr. Salemme: Uh, there should be a, if it's adjacent there should be a certified receipt of that address. And your bordering, are you bordering the property?

Mr. Lockwood: Yes

Mr. Salemme: I think the Assessor's map shows

Mr. Glover: You can turn that around

Mr. Lockwood: That is us right here

Mr. Salemme: This is Mr. Thomas. Mr. Thomas owns to the back of this property from, as far as the Assessor's Map

Mr. Lockwood: I'm sorry, where are you?

Mr. Salemme: We end right here

Mr. Lockwood: and this property goes right to Kochan's and to here?

Mr. Salemme: Yes, as far as I'm aware

Mr. Lockwood: I thought you went right to the school

Mr. Salemme: No, no

Mr. Lockwood: Oh, okay. I have no objection then because Charley always told me he owned the property all the way

Mr. Glover: So you're, first of all, let's clear up, you're not an abutting neighbor

Mr. Lockwood: No I'm not

Mr. Glover: Okay, now, you're looking at the map, do you have any problem with it?

Mr. Lockwood: No I don't. Actually I thought your property came right to ours here, but it doesn't

Mr. Salemme: No, this is the Thomas property from all accounts, as far as everything I've seen

Mr. Glover: Well, it's an A-2 survey isn't it?

Mr. Salemme: Yes, this is as far as the survey, yes

Mr. Glover: And his issue is that he wants to leave that barn and when he subdivides, takes out that lot in the back, the barn will only be 11 feet from the property line

Mr. Lockwood: Got it, yeah, no issue

Mr. Glover: Anyone else object

Mr. Lockwood: I'll be happy to have you as a neighbor

Mr. Salemme: Thanks

Mr. Glover: Any other objection? (no response) Any other comments from the hall? (no response) Any other questions from the Board? (no) Comments 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. Jones and seconded by Mr. Conklin, unanimously voted that:

#708-3 “In the application of Elizabeth Salemme of 40 Golden Hill Lane, Shelton, CT for a certificate of approval for a lot split to be located on the property of Charles and Christine Nolan at 16 Soundview Avenue, R-1 zone, and which requires a variance in setback from the rear property line for an existing barn

The application for a variance is approved.

Inasmuch as the variance will allow a pre-existing barn with historical value to remain where it currently exists,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in setback from the rear property line from 30 ft. to 11 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.”

#708-4 122 Coram Road, Lot 1, George F. Sherman, Jr. of 27 Tuxedo Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standards 1 and 8 by varying the minimum lot area from 7,500 sq. ft. to 7,347 sq. ft. and setback from the rear property line from 25 ft. to 16 ft. for a building lot.

#708-5 122 Coram Road, Lot 2, George F. Sherman, Jr. of 27 Tuxedo Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 1 by varying the minimum lot area from 7,500 sq. ft. to 6,000 sq. ft. for a building lot.

Mr. Glover: Mr. Sherman?

Mr. Sherman: Mr. Glover

Mr. Glover: I would love it if you would give your name and address for the record

Mr. Sherman: George F. Sherman, Jr., 27 Tuxedo Avenue, Shelton

Mr. Glover: And then I'd like it if you'd give me some receipts and some photographs

Mr. Sherman: Yes, I will

Mr. Glover: you've given me two receipts, you have two abutting neighbors?

Mr. Sherman: I have one more

Mr. Glover: You have three abutting neighbors?

Mr. Sherman: Yes. This is Debra Mongillo, she's the owner of the property

Clerk: Would you spell your last name?

Ms. Mongillo: M-O-N-G-I-L-L-O

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

Mr. Sherman: Yes, the original subdivision maps have the lots split from Coram Road back. And because of the elevation distance from Coram Road up to the property line it would've been impossible to put any driveways onto Coram Road.

Mr. Glover: So you're saying you have a topographical problem from Coram Road to Lot 122?

Mr. Sherman: Yes. And her driveway now is accessed off of Angel

Mr. Glover: Okay

Mr. Sherman: And that's pretty much it

Mr. Glover: And what are the variances you're asking for?

Mr. Sherman: Square footage on her house. What I did was instead of like getting it where one would've met the square footage and putting a jog in it, I just felt go for both of them for the total square footage so the lot lines will be straight.

Mr. Jones: So this house is existing?

Mr. Sherman: This house here is existing, yes, this is where she lives

Mr. Jones: Okay

Mr. Sherman: and here's the original lot lines

Ms. Mongillo: my house is on two properties

Mr. Sherman: right here, this is like a shed, is what it is. It's got a garage swing door on it

Mr. Jones: So you're proposing to build

Mr. Sherman: Yes, on this lot

Mr. Jones: So this would be removed

Mr. Sherman: Yes

Mr. Glover: I've already got one of those. Alright, so George, so on one of them you need a variance from 7500 to 7347

Mr. Sherman: Yes, and that one also for setback on the rear line from the deck from 25 to 16.7

Mr. Glover: Alright, hang on.

Mr. Sherman: Tracey Lewis didn't put it on the map because he didn't feel, like he said, it all depends which way you're considering the front, but Tom Dingle felt that that was the way to do it on that form which you have

Mr. Glover: So Tom Dingle established the front and the sides

Mr. Sherman: Yes

Mr. Glover: and he, what did he,

Mr. Sherman: He put with this, from the deck

Mr. Glover: Alright, so he's saying that Angel is the front

Mr. Sherman: No, he's saying Coram Road is the front

Mr. Glover: Coram Road is the front

Mr. Sherman: on that one, yes, because her address is 122 Coram Road

Mr. Glover: Alright, so it's a rear setback for the deck

Mr. Sherman: Yes, and the square footage from 75 to 73

Mr. Glover: I understand

Mr. Sherman: Okay

Mr. Glover: Now so you have a, she has a parcel of land right now that is 13,347 square feet

Mr. Sherman: Correct

Mr. Glover: And she'd need 15,000 to have two legal lots

Mr. Sherman: right

Mr. Glover: So what you've done is you've made two illegal lots rather than have one legal and one illegal. Okay? Are you served by city sewer?

Mr. Sherman: Yes, I am

Mr. Glover: And city water?

Mr. Sherman: Yes

Mr. Glover: What's the topography of the lots?

Mr. Sherman: dead level

Mr. Glover: Alright so these are dead level, but the topography goes up

Mr. Sherman: off of Coram, yeah it's probably I don't know, 15 foot, 12 foot elevation difference

Mr. Glover: and is that on your property?

Mr. Sherman: Well no it's, well it's in front of her property

Mr. Glover: but is it her property or is town easement or

Mr. Sherman: what do you mean? I don't know what you mean

Mr. Glover: You're showing her property line here

Mr. Sherman: right

Mr. Glover: You're showing a curve line here

Mr. Sherman: right

Mr. Glover: Is this the street?

Mr. Sherman: Yep, the street is here, here's the curve line

Mr. Glover: So this is one side of the street and this is the other side of the street

Mr. Sherman: Yep. Well, like I said that's why, I thought it was better and I know what I did was make two smaller lots instead of one conforming and one non-conforming, but you, I just can't see, I thought it was a better deal instead of jogging this and putting a square over here just to get one lot the same size, I mean, they're straight lines on a property

Mr. Glover: alright, if this is your property line right here, there's property between your property line and the edge of the pavement

Mr. Sherman: Right, that's city property

Mr. Glover: That's what I asked you, is that city property?

Mr. Sherman: okay, yeah

Mr. Glover: And the Coram Road side between your property line and Coram Road is city property

Mr. Sherman: right

Mr. Glover: So this lot here exists correct?

Mr. Sherman: yes

Mr. Glover: Alright, this house exists

Mr. Sherman: yes

Mr. Glover: because it doesn't have any frontage on a city street does it?

Mr. Sherman: Yes it does, Angel Avenue

Mr. Glover: But you have city property between you and Angel Avenue

Mr. Sherman: Well every street in town does, every house in town has city property. If you have a 50 foot right of way on the street, I mean there's always 12, 13, foot, 15 foot setbacks

Mr. Glover: I'm not sure

Mr. Sherman: Oh yeah, I've never seen

Mr. Fitzgerald: That's true

Mr. Sherman: I've never seen a piece of property yet that went to the street

Mr. Fitzgerald: that's mostly true, there is once in awhile you run into a rare condition like Pine Rock Park, but it's usually

Mr. Sherman: I mean the snow shelf, I mean, that's always

Mr. Glover: I understand that. And so as Commissioner Jones says, you're going to take the pool and the garage and the overhang down?

Mr. Sherman: Yes

Mr. Jones: Has it always, ever been, was it two lots before and you just

Mr. Sherman: Yes

Mr. Glover: Oh, it was

Mr. Sherman: Oh yeah, I said that in the beginning, so here's the lines

Ms. Mongillo: and runs with the center of my house

Mr. Jones: So have you been paying two separate tax bills, or

Mr. Glover: you have two deeds

Mr. Sherman: She does, yes

Mr. Glover: Right, okay

Mr. Cavallaro: well that would mean two tax bills

Mr. Sherman: Do you get two tax bills

Ms. Mongillo: Well I pay through my mortgage

Mr. Sherman: But I mean it's, the original subdivision that formed that whole area up there

Mr. Glover: Alright, so, so you have a deed for this where it says former lot 585 and you have a deed for former lot 586

Mr. Sherman: Yes

Ms. Mongillo: It's all on one deed

Mr. Sherman: Oh, it's on one deed

Ms. Mongillo: it's on one deed

Mr. Sherman: But it says two separate parcels

Ms. Mongillo: Yes

Mr. Glover: Well if that were the case, wouldn't they be pre-existing non-conforming lots?

Mr. Sherman: I would think so

Mr. Glover: Then why would

Mr. Sherman: But you, well because you can't get them off of Coram Road because of the elevation and a house is in the middle of both of them. I mean there was no way even 50, 60 years ago they would've been able to put the driveway off of Coram.

Ms. Mongillo: My access is on Angel Avenue, even though the front of my house faces Coram.

Mr. Cavallaro: You're basically trying to take two existing lots and just turn them

Ms. Mongillo: Turn it because there's

Mr. Sherman: Yes

Mr. Glover: The lot 2, it's frontage was on Angel Avenue?

Mr. Sherman: Yes, both of them are on

Mr. Glover: No, no, no, 122, Lot 1, the frontage on that is Coram

Mr. Sherman: Well, for mailing yes, but she has frontage on Angel too

Mr. Glover: I understand, the frontage on this one is determined, has been determined to be Coram

Mr. Sherman: Oh okay

Mr. Glover: Is that right?

Mr. Sherman: yes

Mr. Glover: that's why you're here for a rear lot

Mr. Sherman: Right

Mr. Glover: And Angel must, Lot 2 must've had a frontage on Angel,

Mr. Sherman: yes

Mr. Glover: Always

Mr. Sherman: Uh huh

Mr. Glover: Does the garage on Lot 2 serve the house on Lot 1?

Mr. Sherman: No, it's more of a shed, I don't know what you keep wood in it? I don't know what you

Ms. Mongillo: yeah

Mr. Sherman: Yeah, you couldn't get a car into it

Mr. Glover: Okay, does the pool on Lot 2 belong to the house on Lot 1?

Mr. Sherman: Yes

Mr. Glover: Does the car from the owner of Lot 1 park in the driveway of Lot 2?

Mr. Sherman: No

Mr. Glover: it parks in its own driveway

Mr. Sherman: Yes

Mr. Glover: and we've established that they both have city water and city sewers

Mr. Sherman: Yes

Mr. Glover: and they're both flat, other than the topography

Mr. Sherman: well, except

Mr. Glover: the topography that goes up to Coram

Mr. Sherman: Exactly

Mr. Glover: And the two story home on Lot 1 is going to stay just as it is?

Mr. Sherman: Yes

Mr. Glover: You're not going to take it down and put another one up?

Mr. Sherman: No

Ms. Mongillo: No, I reside there

Mr. Glover: And so you're just going to take the garage and the pool and put a house over here

Mr. Sherman: Yes

Mr. Glover: When you do that will you need more variances?

Mr. Sherman: No. There's plenty of room with a 60 foot and I'm used to building on a 50 foot lot, so this is a dream

Mr. Jones: What are the setbacks on this?

Mr. Sherman: 25 and 8

Mr. Glover: 25 in the front

Mr. Sherman: yeah, and 8 on the sides

Mr. Glover: 8 on the sides. Alright, so as I look at this then the 16.7 foot variance that you're looking for, the deck, it's got to be a pre-existing non-conformity. How long has the deck been there?

Mr. Sherman: well since the house was built

Mr. Glover: three years or more?

Ms. Mongillo: What deck, what are you talking about

Mr. Sherman: Your back porch, where you come off

Ms. Mongillo: oh that's been there since I bought the house

Mr. Glover: three years or more?

Ms. Mongillo: yes

Mr. Glover: okay. Alright, so that becomes a pre-existing non-conformity. Does your deed read two parcels or two lots?

Ms. Mongillo: two lots

Mr. Sherman: two lots it says? Yeah, I should've brought it with me, but I didn't, because I did go to the clerk's office and I gave it to Lewis to do all of this. It does say two lots, I mean, it shows it like I said, and Tracey Lewis put the lot lines and the numbers. There was 585 and 586

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? (yes) Would you come forward please?

Mr. Monahan: Hi, I'm Quinn Monahan and this is my mother Muriel Monahan

Mr. Glover: Alright, hang on, have a seat please.

Mr. Monahan: We're not necessarily opposed to this, but I just want to get information because we just received the letter actually yesterday of the hearing.

Mr. Glover: Let's get your name, do you have his name?

Clerk: I have Quinn Monahan

Mr. Monahan: Quinn Monahan and Muriel Monahan, 6 Newport Avenue

Mr. Glover: 6 Newport

Mr. Monahan: Uh, huh, which we're on the back side. And I was just wondering if we could find out the information regarding the lot that actually affects us because the letter we got on Monday, this past Monday, wasn't really, really all that clear as to

Mr. Glover: It's just, actually it's supposed to just notify you that there is a hearing

Mr. Monahan: that there is a hearing

Mr. Sherman: I tried to you know somewhat explain, sometimes it's tough to

Mr. Glover: Mr. Sherman

Mr. Sherman: Oh, I'm sorry

Mr. Glover: It is your time to be quiet

Mr. Sherman: Okay, I'll shut up.

Mr. Glover: It's supposed to just inform you of the hearing. He doesn't really have to go into detail and provide you with an application or anything else. You're told that it's here and the stuff is on file at the town clerk's office. So he's okay as long as he told you. And your lot is back here behind two. And what was your question?

Mr. Monahan: I was just wondering what the intentions of that lot was going to be, like because I noticed there was mention about a reduced setback of 16 feet, does that, does that deal with this neighbor or

Mr. Glover: There are two lots here, there's a Lot 1 and a Lot 2

Mr. Monahan: Okay

Mr. Glover: Lot 1 is closer to Coram Road

Mr. Monahan: Okay

Mr. Glover: Lot 1 has a deck on the back of it. That deck is supposed to be 25 feet from the property line. It exists and from the existing property line it's only 16.7 feet.

Mr. Monahan: Okay

Mr. Glover: Your house is I think over here

Mr. Monahan: Over here

Mr. Glover: So in terms of impact on you, I would think it has none

Mr. Monahan: Okay

Mr. Glover: In addition to that, they're not making any change, it is what it is, it's there

Mr. Monahan: Okay

Mr. Glover: They're in for two variances on this. One is the, the distance from here, from the back of the deck to the property line. The other one is that the square footage of this lot is required to be 7500 and he has 7347

Mr. Monahan: Okay

Mr. Glover: When, then he's, has a, claims to have a deed showing that he has another lot, that lot is indicated on this as formerly Lot 586 and it's on his map it's Lot 2 and it has 6000 sq. ft.

Mr. Monahan: Okay

Mr. Glover: And on this lot, he has only 6000 sq. ft. where he's required to have 7500. It's a pre-existing, apparently a pre-existing lot, it's already there

Mr. Monahan: Okay

Mr. Glover: And it's smaller than today's zoning requires but apparently it was there before today's zoning came into affect

Mr. Monahan: Okay

Mr. Glover: So, officially he has to come and ask us to recognize that

Mr. Monahan: Okay

Mr. Glover: alright?

Mr. Monahan: Alright, cool.

Mr. Glover: Do you have an objection?

Mr. Monahan: As to him improving it, no, but I just actually have a question for you guys. What is the intention of this property, Lot 2?

Mr. Glover: Lot 2 they're going to build a house on.

Mr. Monahan: Okay

Mr. Glover: Lot 1 has a house on it and it's going to stay just the way it is.

Mr. Monahan: Now, any intention of what kind of house, like the size or

Mr. Glover: The house, the house is got to fit within the setbacks. It's up to him. We can't tell him whether it can be two level or one,

Mr. Monahan: Oh yeah, so on this they'll still fit with the standard zoning regulations

Mr. Glover: He has to fit within the zoning regulations

Mr. Monahan: Which would be 25 feet or whatever

Mr. Glover: or come back here with a variance, for another variance, which I've asked him does he need one and he's already responded that he does not need one.

Mr. Monahan: Okay

Mr. Glover: that in fact the lot is 10 feet wider than he's used to working on and is a piece of cake. Any other questions?

Mr. Monahan: No, that's everything

Mr. Glover: Alright, anyone else in favor? (no response) Anyone opposed? (no response) Are you satisfied Mr. Cavallaro?

Mr. Cavallaro: Yep

Mr. Glover: Do you have anymore questions or comments for the applicant? (no) Does anyone on the Board have anymore questions or complements, comments for the, not complements, but comments for the applicant? (no) Alright, then I'll declare the hearing closed.

Mr. Sherman: Thank you for your time.

#708-4 and #708-5 Later that evening during the work session the Board, upon motion by Mr. Cavallaro and seconded by Mr. Conklin, unanimously voted to table a decision.

#708-6 811 River Road, N. Purchuck/Shelton Car Wash of 811 River Road, Shelton, CT is seeking to waiver Section 44.3 to allow a message sign.

Mr. Glover: Alright, as I said earlier in the evening, I received a call today from the agent of the applicant stating that he who had planned to be here tonight had a family emergency and could not attend and asking us to push this off until the August meeting which I have no problem with due to the circumstances. So therefore we will hear this in August.

#508-1 Buddington Road, Map 62, Lot 12 (Lot 1), James Blakeman of 704 Bridgeport Ave., Suite 201, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 4 by varying the minimum square from 150 ft. to 127 ft. for a single family dwelling.

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

"In the application of James Blakeman of 704 Bridgeport Avenue, Suite 201, Shelton, CT for a certificate of approval for a single family home to be located on the property of the applicant at Buddington Road, Map 62, Lot 12, (Lot 1) R-1 zone, and which requires a variance in minimum square on lot,

The application for a variance is approved.

Inasmuch as the lot contains much more than enough square footage than is required for a building lot, however the topography and easements on the lot make it impossible to build without a variance for the square on the lot,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in minimum square on the lot from 150 ft. to 127 ft. at the above is granted (Section 24, Schedule B, Standard 4) in this instance.

This certificate of approval is contingent on the following stipulations: 1) This property shall be deed restricted to prevent further subdivision. 2) No blasting is allowed in the construction of the building site. 3) If some future authority should allow blasting, then the foundation and wells of the surrounding homes shall be surveyed prior to excavation/building of the site.

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.”

#508-2 Buddington Road, Map 62, Lot 12 (Lot 2), James Blakeman of 704 Bridgeport Ave., Suite 201, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 4 by varying the minimum square from 150 ft. to 98 ft. for a single family dwelling.

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

“In the application of James Blakeman of 704 Bridgeport Avenue, Suite 201, Shelton, CT for a certificate of approval for a single family home to be located on the property of the applicant at Buddington Road, Map 62, Lot 12, (Lot 2) R-1 zone, and which requires a variance in minimum square on lot,

The application for a variance is approved.

Inasmuch as the lot contains much more than enough square footage than is required for a building lot, however the topography and easements on the lot make it impossible to build without a variance for the square on the lot,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in minimum square on the lot from 150 ft. to 98 ft. at the above is granted (Section 24, Schedule B, Standard 4) in this instance.

This certificate of approval is contingent on the following stipulations: 1) This property shall be deed restricted to prevent further subdivision. 2) No blasting is allowed in the construction of the building site. 3) If some future authority should allow blasting, then the foundation and wells of the surrounding homes shall be surveyed prior to excavation/building of the site.

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.”

Other Business:

During the work session the Chairman presented a letter submitted by the Conservation Commission requesting a modification to the regulations of the Zoning Board of Appeals. The Board will add the proposed regulation change on the agenda for the August 19, 2008 meeting.

Approval of Minutes

During the work session the Board, upon motion by Commissioner Jones and seconded by Commissioner Adanti, unanimously voted to approve the minutes of the June 17, 2008 hearing as submitted by the Clerk.

Respectfully submitted,

Loreen Michalak, Clerk