

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, May 20, 2008 at 7:30pm

AGENDA:

- #408-6 PBS Enterprises, LLC at Bridgeport Avenue, Map 105, Lot 40
 - #408-9 Kevin Russo at 7 Plum Tree Lane
 - #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)
 - #508-3 James & Vivian McKeeman at 79 Sorghum Road
 - #508-4 Leonard & Susan Krizan at 15 Skyline Drive
- Possible Decision on:
- #308-5 Joseph Martinelli at 99 Indian Wells Road

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 and Bob Harbinson.

Mr. Glover: Alright good evening ladies and gentlemen and welcome to the May meeting of the Shelton Zoning Board of Appeals. The Shelton Zoning Board of Appeals meets monthly and works on, decides on variances and appeals. We have a relatively short agenda for tonight. We keep our minutes on two tape recorders which are transcribed later in the month by our clerk. At least one of the tape recorders is pretty sensitive and it will pick up your conversations in the room and then it will garble the record and she won't be able to, to get an accurate record; which is important because that's the part that goes to court if there's any appeal to our decision. So with that in mind, I would ask you to turn off your cell phones, don't talk on your cell phones, and if you're going to have any conversations, please take them out into the hall so we don't pick them up on our tape recorder. Our regulations require that you have taken pictures of your property and that you have notified your abutting neighbors by certified mail. When your hearing is called, I will ask you for the pictures and I will ask you for the receipts showing that you did mail the, to notify your abutting neighbors. If you have them we'll go on with your hearing, if you don't we'll continue your hearing until next month when you can bring them. With us tonight on, all the way on my left is Jack Fitzgerald, Bob Harbinson, Linda Adanti, Lori Michalak, I'm Gerry Glover. To my right is Ed Conklin and to his right is Phil Cavallaro. We have two regular members who are absent tonight, Commissioner Jones and Commissioner Matto, and I will ask Mr. Fitzgerald to fill in for Mr. Jones and I will ask Mrs. Adanti to fill in for Ralph Matto. Ed?

#408-6 Bridgeport Avenue, Map 105, Lot 40, PBS Enterprises LLC c/o Dominick J. Thomas, Esq., of 315 Main Street, Derby, CT is appealing a decision by ZEO for failure to certify pre-existing non-conforming lot as a building lot.

Mr. Glover: Alright this is a hearing that was started last month and continued to this month and we're going to, I'm going to ask someone to make a motion to continue it until next month.

Mr. Conklin: So moved

Mr. Cavallaro: Seconded

Mr. Glover: Alright, made and seconded, all in favor? (unanimous "aye")

#408-9 7 Plum Tree Lane, Kevin Russo of 7 Plum Tree Lane, Shelton, CT is seeking to waiver Section 24.2, Schedule B(3), Definition – Section 5.25 lot area and shape to allow location of 150 ft. sq. on lot on convention subdivision layout for CRD approval within utility easement for a building lot.

Mr. Glover: Again, this one was started last month and I'm going to ask the Board for a motion to continue it until next month.

Mr. Cavallaro: I'll make the motion

Mr. Glover: Motion by Mr. Cavallaro

Mr. Conklin: second

Mr. Glover: Seconded by Ed, all in favor? (unanimous “aye”)

#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.

#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.

Mr. Glover: Jim could you give your name and address for the record?

Mr. Swift: My name is Jim Swift, engineer representing Mr. Blakeman. I'm at 102 Village Drive in Shelton, CT.

Mr. Glover: And Mr. Blakeman, are you going to speak?

Mr. Blakeman: I'm not going to speak

Mr. Glover: You're going to listen

Mr. Blakeman: Yes

Mr. Glover: Before we start, Jim, I'm making an assumption that these two go together

Mr. Swift: Yes, that's correct

Mr. Glover: One hinges on the other

Mr. Swift: that's correct

Mr. Glover: Alright, so we're going to hear them both at the same time.

Mr. Swift: Please

Mr. Glover: Do you have any pictures?

Mr. Swift: I do have pictures Mr. Chairman. I'd like to make a point about the certificates of mailing. And I'd like to point out on this map that this property has no adjoining other than the City of Shelton. This upper piece is formerly the, what was known as United Illuminating piece is now owned by the City of Shelton. The City of Shelton purchased this piece some time ago and owns this property all the way around this parcel. I have photographs in all directions, plus a photograph of the, of the posting of the property.

Mr. Conklin: Question on the mailing though, I thought the certified mailing was supposed to be done to the Town Clerk so she could make subsequent distribution if she had to.

Mr. Glover: That's what we've done in the past

Mr. Swift: They, we, and if that's necessary we'll postpone it or continue to do that, but since we submitted the application to the Town Clerk, if, you know, if the Commission feels it's necessary

Mr. Glover: I think that, first of all in order to be here you had to go to Planning and Zoning and be denied

Mr. Swift: Correct

Mr. Glover: So they have to know it

Mr. Swift: They do

Mr. Glover: And, and they have the applications

Mr. Swift: yes

Mr. Glover: Secondly, you have to go and record it and make the application and put it at the Town Clerk's office

Mr. Swift: correct

Mr. Glover: and if they, and it has been in the paper and they should have the ability to tell the relevant people whoever they might be, so I think under this circumstance it's not a big problem.

Mr. Swift: Okay

Mr. Glover: The issue of notifying the neighbors is so that they know

Mr. Swift: That's correct and the posting was, you know, in some cases Mr. Chairman the posting can be obscured, but in this case the posting's very clearly visible from everywhere.

Mr. Glover: Are the maps that we have in the application the same as the map you're going to refer to?

Mr. Swift: Uh, with the exception that the adjoiners were updated

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

Mr. Swift: We have a very substantial piece of property as you can see, but the configuration of the land is very thin and narrow. What happened was, sometime ago the, what was formerly known as the UI parcel was dedicated or split off from this parcel and they left this thin strip using the high tension power line easement as the dividing property line. I point out that the only variance that is being requested here is directly related to the distance between the power line easement and the front of the road. That's the only variance requested for both lots. The minimum square will not fit between that outside edge of the easement and the street line. Beyond that, we are in compliance with all other Planning and Zoning and subdivision requirements for development of this parcel. So it's, it's quite clearly a hardship in that that square does not fit. And in all other cases we would be entitled to develop the property as you can see it shown here.

Mr. Glover: So, you're saying that your hardship is the easement

Mr. Swift: Yeah, that easement does not allow that square to fit in any way shape or form. It cannot be modified to do that. And being that this is an unusual piece of property we have gone through extensive lengths to do all of the testing for soils, all those things. We've computed the steep slopes. We've shown all the wetlands and we are in full compliance with all the zoning requirements.

Mr. Glover: Is this served by city water and sewers?

Mr. Swift: Water's a very good question. It's not, it's not served by city sewers and that's why we have shown you the testing and the location of the septic systems. Honestly, I am bit caught short on the water. I guess, I don't believe it is down here, but the size of these lots provide for multiple locations for a well.

Mr. Glover: Okay. How deep is the whole piece at it's deepest point, from here to there how long would you say it was?

Mr. Swift: It's going to be, and the variances we are requesting, 86 to 127, that 127 would be here, so they're probably about between 175 and 200 at this point and slightly more than 200 at the wider point

Mr. Glover: And how big are both parcels? How many square feet are in the parcels?

Mr. Swift: This parcel's 174,460 sq. ft., well over 3 acres. And this parcel is 114,000 sq. ft., so just shy of 3 acres

Mr. Glover: And this is an R-1 zone

Mr. Swift: That's correct

Mr. Glover: So you are required to have 40 and you have more than 4 times that on one of them, and twice that at least, 2 ½ times that on the other one

Mr. Swift: That's correct

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

Mr. Harbinson: Can we see the map?

Mr. Fitzgerald: Is there a lot of ledge on this?

Mr. Swift: Yes there is. There is rocks particularly in the location of the houses. We put the houses at the very top of the hill where we can minimize, you know, any impact on the lot. As some of the commissioners might know, the Blakemans have extensive heavy excavation equipment and they expect to minimize any blasting in favor of using a hammer.

Mr. Glover: Bob, are you okay?

Mr. Harbinson: The, your problem at the back of the lot is an easement of the utility right?

Mr. Swift: That's correct

Mr. Harbinson: How far are you from that right now

Mr. Swift: In back of the houses, they're probably within 10 feet or so of that easement.

Mr. Fitzgerald: You've got a couple towers here I would imagine that's what we're talking about

Mr. Swift: That's correct, these are tower locations here

Mr. Glover: Jack, could you speak up a little louder please?

Mr. Fitzgerald: A little louder?

Mr. Glover: Yes, we can't hear you. She's just hearing the answers, she's not hearing the questions.

Mr. Harbinson: Is the distance from the back of the, the back of the lot to the towers, or to the easement, would normally be the distance you would be required to have from the next lot, right?

Mr. Swift: No, actually it is somewhat less than that. No, there is no requirement for a setback from the edge of the easement. We are entitled and will be able to provide some yard space and even a patio, as long as it's not a structure, actually within that easement area. There is no restriction in that regard. It's just that the structure itself must not be within that easement

Mr. Glover: The applicant owns the property that the easement is on

Mr. Swift: That's correct, we own that property. And in fact if you look at the pictures, it's a very attractive backyard and there's lots of mountain laurel. It's very attractive.

Mr. Fitzgerald: This septic system is probably going to be charged by a pressure line?

Mr. Swift: Yes, that's correct, both of them are, yes.

Mr. Harbinson: quite frankly I have a problem with reducing the size of the lot from, the first one is 40% reduction

Mr. Swift: Of the square size

Mr. Harbinson: Yeah, 40% reduction in lot size and the other one is 43% reduction. That's, that's a lot to reduce the size.

Mr. Swift: If I could

Mr. Harbinson: Were the lines, was the line, this is all one lot actually, not 12

Mr. Swift: The parcel is, it is one parcel now

Mr. Harbinson: It's one parcel

Mr. Swift: yes, that's correct

Mr. Harbinson: So you want to subdivide it

Mr. Swift: Yes, that's correct

Mr. Harbinson: So, was the, was the electric lines there when this lot was purchased?

Mr. Swift: I believe they were, yes

Mr. Harbinson: So in purchasing the lot you knew that you were going to have a problem

Mr. Swift: Well, knew that certainly an easement was there, yes.

Mr. Harbinson: I don't see the hardship to tell you the truth

Mr. Glover: Are you thinking Bob, that the 150 and the 127 are the size of the lots?

Mr. Harbinson: No, no, the, well I know what you're saying, but that's not

Mr. Glover: That's not the size of the lot

Mr. Harbinson: Well why isn't the size of the lot listed here?

Mr. Glover: because he's got three times what he needs on one of them and two ½ times on the other. The purpose of the square on the lot is to, is to help determine the, the size of the, of the parcel. In other words, if he needed 40,000 sq. ft. in an R-1 lot, it's conceivable that he could have a lot 1 foot wide and 40,000 feet long. So in order to prevent a lot like that, they make you put the 150 foot square in the lot, which means it has to be a certain width.

Mr. Harbinson: To subdivide it, shouldn't that go to P&Z first?

Mr. Glover: No, it has to come to us first because he needs a variance and then it will, once he has our variance in hand then he can go up and subdivide it.

Mr. Harbinson: I have no other questions

Mr. Cavallaro: he'd basically have a problem even if he was to put one house on the combined lots because it'll be the same scenario

Mr. Swift: That's correct, yes

Mr. Glover: Okay, are you alright Bob?

Mr. Harbinson: Huh?

Mr. Glover: Are you okay? No more questions?

Mr. Harbinson: I'm finished with the map

Mr. Glover: Jack, are you alright?

Mr. Fitzgerald: I'm alright, I think I understand pretty well his maps.

Mr. Conklin: You have to have (unclear) in place. Any objections to taking these two lots and having them deeded that they can't be re-subdivided in the future?

Mr. Swift: We have no objection to that.

Mr. Glover: For the record, if this whole parcel, if you were going to put one house on it, you would still need a variance.

Mr. Swift: That's correct. It's the imaginary line of the easement that is the problem. The actual lot depths as far as usability of the lot for backyard and other things that the square was intended to assist in all still exist on the parcels.

Mr. Glover: Alright, are there any other questions from the Board? (no) Is there anyone in this room who is in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (yes) Would you come forward please sir? Over here please.

Mr. Reyen: My name is Edward Reyen and I live at the house at 160 Buddington Road. And I own the house at 164 Buddington Road, as well as the lot that is at 162 Buddington Road. And to make the Board understand where my properties would be I would, well I estimate it to be like smack in the middle of the length of the project here.

Mr. Glover: On the opposite side of the street?

Mr. Reyen: Correct, that's correct. My concern's about the variance being given for these houses to be built, has to do with the fact that, first of all, I've heard no mention about the Iroquois gas line that runs beneath all of it. You know, there's the Iroquois pipeline with the gas. And to my knowledge it's a 36 inch diameter pipe that is welded together. And with the tremendous amount of blasting that would need to be done, and bearing in mind that there would be the State codes that would be followed, you know, it's a lot of blasting that would be done. And in spite of, you know, the, the code being followed and the permits and the whole thing, my thought is that things happen and I, I shudder at the thought of some kind of a catastrophe related to the gas pipe that is very, very close to it all. The other thing would be in association with the blasting is that the well for my home is in the front of the house very close to Buddington Road and with the blasting going on, you know, if the thing is approved I would immediately have to go and spend 3, 4 or 500 dollars to get my well, which has worked perfectly for 30 years, I'd have to go and get my well certified to protect myself, you know, in the event something fails due to the blasting. So that, you know, the whole concept of the danger with the gas pipeline, the danger to my personal property, namely the well, and my general concern that there's the high tension wires, you know, right there which, you know, that's always been a big concern. I've lived there for close to 30 years now. Those are some pretty big items to me, which you know, sadly I would have to say I'm opposed to the variance. And then the other thing is the thing about the sewerage, you know, I just wonder how with water down at the bottom of that pit where we're talking about, I don't know how septic tanks would be put in. I don't claim to have an expertise on that at all, but the thing about the sewerage is,

you know, my concern from a sanitary point of view, is this going to be pumped out or you know, what's going to be with this septic tank business and will it ultimately lead to having me have an assessment for sewer lines going, you know, all up and down Buddington Road that will give me a retiree a great big assessment to have to pay. So, you know, I have several things, and a side note, when I go across the street to my mailbox and I look down, I frequently see the deer drinking the water there's so much water that's down there. So you know, that whole thing about the disruption of more of the, of the nature and wetlands that are there to me it's a poor idea to have those homes.

Mr. Glover: Whereabouts is your house? This is where Old Kings Highway is

Mr. Conklin: Is it one of these two lots or?

Mr. Reyen: Oh dear

Mr. Glover: There's a, there's a driveway here and there's a driveway here.

Mr. Reyen: Those are the long ones. See, I'm not good at this sort of thing. Is this 149 Buddington?

Mr. Glover: Yes it is

Mr. Reyen: Is it?

Mr. Glover: Yes

Mr. Reyen: Well, I'm at 160, so we have to

Mr. Glover: Do you know which house is his Jim?

Mr. Swift: I'm guessing, this is the new house on the corner that was just

Mr. Glover: Buddington comes up and around the corner, right

Mr. Swift: right and this is the sharp corner

Mr. Reyen: Let's see if I have it on mine. Okay, maybe this would help you here

Mr. Swift: It's this one

Mr. Reyen: Here's where I am right here, 160 and then I also own 162 and I have people living at 164. So it's

Mr. Glover: So this is, this is the corner right here where this road (unclear) Old Kings Highway going off here, which is I think a paper street, isn't it?

Mr. Swift: Yes

Mr. Glover: And so, do you own the one on the corner that they just remodeled, put a second floor on it?

Mr. Reyen: No, I live, there's the one on the corner that they remodeled and then there's a brick home and then property starts after that

Mr. Glover: Okay, so yours is the one that's highlighted in yellow. So you're over in here and probably the next one down, is what you're saying

Mr. Reyen: Yes

Mr. Glover: this one and this one

Mr. Reyen: Yes

Mr. Glover: 160 and 162?

Mr. Reyen: and 164

Mr. Glover: All three

Mr. Reyen: Yes

Mr. Glover: Okay. Alright so your 164 starts at the very end of this property and so you're here, here and about here

Mr. Reyen: Right

Mr. Swift: So anywhere from somewhere in the neighborhood of 500 feet to the next house I believe

Mr. Reyen: And the location of my well, you know, is almost on Buddington Road. You know, it's in the front of the house almost on Buddington Road. And it's a very big concern to me.

Mr. Glover: And the Iroquois easement?

Mr. Swift: The Iroquois easement is actually on, on the adjoining part, on the City of Shelton property, so you can see

Mr. Glover: It's not

Mr. Swift: it is not

Mr. Glover: Your easement and then the easement of

Mr. Swift: That's correct

Mr. Glover: the Iroquois easement

Mr. Cavallaro: What about maintenance access, that's what the utilities use that easement right, for maintenance to its towers? Will it have any affect that it's crossing, heavy equipment crossing the septics

Mr. Swift: No they have, they access right down the line, yeah

Mr. Conklin: which way're they going? I mean they're crossing over this at some point I would think

Mr. Swift: No they start at Buddington you know, which is down here and they have a pretty good road that goes all the way up, all the way up to Shelton Avenue. But I guess what I'd like to point out first of all is that,

Mr. Glover: before you do, are you set?

Mr. Reyen: Yes, I've said what I need to say. Thank you.

Mr. Glover: You're very welcome. Is there anyone else in this room who is opposed to this application? (no response) Alright Jim, now it's your turn for rebuttal.

Mr. Swift: The issue of construction on the site has a right to take place irregardless, you now, a house can be developed and of course we're all you know, concerned about blasting. That is an issue. As I said before, we're going to try and position these houses so that we, we minimize that, clearly there is rock there. Jim, what's your, what's your feeling on how much of this actually will, can be hammered without necessarily needing to

Mr. Glover: before you answer that question, please give your name and address

Mr. Blakeman: Jim Blakeman, Shelton, CT, owner of the property. Well, as for the, some of it has to be blasted. I mean I could sit there with a hammer and hammer it but it's not really cost effective to hammer it. Jim's cuts aren't too bad, he's minimalized it. He's put it in a pretty good location, but I mean it will all be done with the correct procedures. There's new ordinances with blasting in town that we have to follow, seizmagraphs, we'll set them up everywhere, 3 or 4 of them. I'll monitor, I'll check out the gentleman's well down the street for him if he'd like. The structure's quite a ways from the other property. So,

Mr. Swift: If this was one house as opposed to two, would there still be blasting?

Mr. Blakeman: Yeah, I think they both, Jim

Several talking at once

Mr. Blakeman: Not too bad, I mean on this one here, this one here is going to need a little bit more

Mr. Fitzgerald: Why should you hammer it when you can just blast it

Mr. Blakeman: That's what I'm saying because everybody's concerned about blasting

Mr. Swift: Everybody's concerned about it

Mr. Blakeman: So, actually I mean

Mr. Fitzgerald: But I mean all you got to do is put in some time delay relays and (unclear) just roll out, you'd hardly hear it

Mr. Blakeman: Exactly, you do small shots in the blasting

Mr. Glover: do the new blasting regulations require you to survey the properties?

Mr. Blakeman: I think it's 200 feet, every property within 200 feet, I'm not 100%

Mr. Swift: I think it's 500

Mr. Blakeman: is it 500?

Mr. Glover: Is this gentleman's property within the 500 feet?

Mr. Swift: I believe his first property here is, yes.

Mr. Glover: Would you have a problem with surveying his wells

Mr. Blakeman: I have no problem surveying his wells and things (unclear). If he has a problem with the well obviously I have to stand behind it.

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

Mr. Swift: Thank you.

#508-1 and #508-2 Later that evening during the work session the Board, upon motion by Mr. Cavallaro and seconded by Mr. Conklin voted unanimously to table the decisions until the June 17, 2008 hearing.

#508-3 79 Sorghum Road, James & Vivian McKeeman of 79 Sorghum Road, Shelton, CT are seeking to waiver Section 24.4, Schedule B, Standard 9 by varying the setback from the right side yard from 20 ft. to 16 ft. 2 in., and Section 24.5, Schedule B, Standards 11 and 12 by varying the maximum lot coverage as a percent of lot area from 15% to 25.5% and maximum lot impervious coverage as a percent of lot area from 35% to 40.8% for a 22x22 one story addition.

Mr. Glover: Alright, who's going to be talking?

Mr. Paoletti: I will

Mr. Glover: John, will you give your name and address please?

Mr. Paoletti: Yes, for the record, my name is John Paoletti. I reside at 306 Buddington Road and my company is Graceland Builders and I'm here to represent Jim and Vivian McKeeman.

Mr. Glover: And would you have some pictures and some receipts with you?

Mr. Paoletti: Yes I do. Here's the receipts

Mr. Glover: Are these both, all your abutting neighbors?

Mr. Paoletti: Yes they are. And the A-2 survey

Mr. Glover: And the pictures? The property that's yours, it's not the blue house right? Is it the blue house with the brick front?

Mr. McKeeman: Yes it is

Mr. Glover: Did you post it on your property?

Mr. Paoletti: Yes

Mr. Glover: Oh, it's that telephone pole on the neighbor's property

Mr. Paoletti: It's right on the property line

Mr. Glover: So the red garage in the back is yours?

Mr. McKeeman: Yes

Mr. Glover: Oh okay, fine. I thought it was this neighbor's over here. Alright, now what do you want to do?

Mr. Paoletti: What we're looking to do is propose a 22x22 addition off the back of the house here. We're, our hardship basically is we're conforming with some pre-existing situations already due to setbacks

Mr. Glover: This is an R-1 zone?

Mr. Paoletti: This is an R-2 zone

Mr. Glover: It's an R-2 zone

Mr. Paoletti: It's an R-2 zone

Mr. Glover: So you're required to have 20,000 feet

Mr. Paoletti: Uh, yes

Mr. Glover: And how many are there there?

Mr. Paoletti: 12,478

Mr. Glover: Okay

Mr. Paoletti: it was built back in the late 50's

Mr. Glover: Right, what I'm trying to establish is it's a pre-existing non-conforming

Mr. Paoletti: Exactly, there's a pre-existing non-conforming situation here already. We're trying to conform to the best we can here. We're keeping the same setback on the side, which is pre-existing, this 16.2 feet. We're trying to conform with the neighborhood and the existing house being a ranch, as opposed to going up on it, we'd like to go off the back, to keep the conformity of the house itself as a ranch.

Mr. Fitzgerald: You have city water?

Mr. Paoletti: We have city water and city sewer, yes

Mr. Glover: So one of the variances is a side variance and that variance is what exists already

Mr. Paoletti: that's correct

Mr. Glover: on the existing house

Mr. Paoletti: That's a pre-existing, yes

Mr. Glover: The next variance is what?

Mr. Paoletti: The next variance is a lot coverage, which is a pre-existing 21.6% pre-existing already non-conforming and we're only looking to go to 25%.

Mr. Glover: So you have a lot that's, that's about 60% of its size that it's supposed to be, to start with

Mr. Paoletti: yes, that's what they all are on that, on the whole street

Mr. Glover: I understand that, it's a pre-existing lot that, it's required to have 20,000 and it's only got 12,500

Mr. Paoletti: Correct

Mr. Glover: and that, that hardship, that's going to figure into your, your percentage of coverage

Mr. Paoletti: Yes

Mr. Glover: Because you have only to deal with 60% of what you're supposed to have

Mr. Paoletti: correct

Mr. Glover: then the following, the last

Mr. Paoletti: Then the last is the previous coverage is, we have a pre-existing 37% non-conforming of course again, and we're looking to go to a 40.8%

Mr. Glover: And the only, the only thing that you're covering is the 22x22 addition?

Mr. Paoletti: that's correct

Mr. Glover: So um, the impervious is just the addition, the extension of the impervious is just the addition

Mr. Paoletti: That's correct. I don't know what else I can say. We're within the rear setback by 6 inches.

Mr. Glover: And you've had it surveyed?

Mr. Paoletti: This is a complete A-2 survey stamped and sealed from Nowakowski, O'Bymachow and Kane.

Mr. Glover: How far is it from the property line?

Mr. Paoletti: From the rear?

Mr. Glover: No, from the side property line?

Mr. Paoletti: From the side it's 16.2 and that's what the original house is pre-existing and we're conforming to the exact same thing, 16.2

Mr. Glover: Alright, and as we established there are, there is city sewers, or are city sewers and there is city water

Mr. Paoletti: That is correct, yes

Mr. Glover: alright, and the house is hooked up to both

Mr. Paoletti: Yes it is

Mr. Glover: Okay, does the Board have any other questions? (no) Is there anyone in this room who is in favor of this application? (yes) Would you come forward please sir? Good evening, would you give your name and address please.

Mr. Verdes: I'm Alejo Verdes, I live next door to them, 75 Sorghum Road. I have no objections to them building but I'm afraid of, I have my well is about 75 feet from the road and I don't care if they increase to 16 foot 2 or whatever, you know, however, the equipment, and I have experience because I had the water tapped into when they came in backwards, the back of my home and I'm afraid that my well might also suffer. You know, I have a well, as I say, about 75 feet from the back of the house, this is my property's right here and the well is about here. I would say about 75 feet from here and of course this portion of the house you know, could suffer, the foundation of the house could suffer, I'm not afraid of what they want to do, I'm alright. What I'm afraid of is the heavy equipment as they come up, you know, and the excavations in the back might affect my property. That's about all I have to say. I mean, I would like to have some assurances that the well won't collapse, first of all. And secondly, that I won't have any you know, sediments in the back of my home, the foundation's there might suffer, you know. I don't know what soils they have back there, you know

Mr. Fitzgerald: Do you have a drilled well, or a surface water

Mr. Verdes: I can't hear you?

Mr. Fitzgerald: Surface water?

Mr. Verdes: It's a drilled well, about 100 feet down, perhaps a little

Mr. Fitzgerald: is it ledge most of the way down or?

Mr. Verdes: No, it's up to you fellows to determine whether this is possible or not. I don't want to hinder them or do any damage to them. They're good neighbors. What I want to know is whether my foundations, you know, as I say sediment and these are with the trucking coming back and forth, he has to come through here. He can't go through here. So he has to come back and forth while they're building so the pulling out of this equipment and the dumpsters and so on that they might locate at this way might affect my property. That's about all. I don't care if they build a Taj Mahal in there.

Mr. Glover: Alright, is there anyone else in favor of this application? (no)

Mr. Paoletti: Can I just rebuttal to it?

Mr. Glover: No. Is there anyone who is opposed to this application? (no response) Any opposition? (no response) Now, Mr. Paoletti, you may rebuttal.

Mr. Paoletti: Thank you Chairman. I just wanted to have the Board be aware that what we're proposing here again is a 22x22 addition

Mr. Glover: crawl space?

Mr. Paoletti: only a crawl space, footing and frost wall only. We have no ledge on the property and the only heavy equipment that will come in here, the heaviest thing may be a cement truck, if we can even get it by. We may have to pump from the street up and over the house. And to dig this, like I said, because it's only a crawl space, we're going to be using a very small, probably even a rubber tire backhoe. So, I don't see any major concerns with his well, though I understand that, you know, it may be a concern to him, but I don't foresee any

Mr. Glover: How will you access it with the equipment? Will you be coming up that side or coming in the driveway?

Mr. Paoletti: Well, it is a little narrow here. I mean I'm sure at times we'll be coming here, but there is no way we're going to be able to get a cement truck through this little area because we have some other stuff coming out over here, a central air conditioning unit and whatnot. So we're trying to bring in the cement truck this way, which we have room. I think they've actually brought the cement truck in before over here when they did this addition awhile back. That would be the biggest piece of equipment coming in here

Mr. Glover: you're also going to have to have a dump truck to load the soil in

Mr. Paoletti: Yeah

Mr. Glover: because you're trucking the soil off site right?

Mr. Paoletti: Yeah

Mr. Glover: Alright, so you, but you could come in the driveway side?

Mr. Paoletti: Yeah, oh yeah, there's plenty of room to come in through there. He's over here someplace

Mr. Glover: Yes, he's on that side.

Mr. Paoletti: I believe he's on this side, he's way over here somewhere

Mr. Glover: Oh, he's not on the side that you're encroaching

Mr. Paoletti: No

Mr. Glover: Oh, alright, I thought he was on the side that you were

Mr. Paoletti: No, that's why I looked to make sure that, and then I, I thought he was, worried that his well was back or something, he's worried about the machine digging, but his well is back over here somewhere

Mr. Glover: So if you had to on the other side where the air conditioner is you could just disconnect the compressor and come in there

Mr. Paoletti: We could possibly do that, but it is somewhat of a little grade there sloping down

Mr. Glover: Okay. Do you know where his well is, approximately?

Mr. Paoletti: I don't know exactly. Where your well is located on the property?

Mr. Verdes: In the back, about 75 feet from their wall, right here. If you follow this line right here, it's located right here, behind the walls of my home.

Mr. Glover: So from the property line you're about 75 feet in?

Mr. Verdes: About, not from my line, from theirs, and you have 20, it goes maybe 35 feet

Mr. Glover: Okay

Mr. Verdes: Now, would, what I'm worried about is the heavy equipment coming back and forth. And if you have dumpsters or have big equipment going back and forth, you know, I might have sediment from my foundations in the back to (unclear) right here and I'm afraid about the (unclear). That's about all, you know.

Mr. Glover: Thank you.

Mr. Verdes: you know, it's nothing else

Mr. Glover: The lots here are all pretty level, aren't they?

Mr. Verdes: Mine is level. I don't know what kind of

Mr. Glover: But I mean yours is not higher or lower than his. Alright, thank you sir. Any other questions from the Board?

Mr. Harbinson: You don't have to do any blasting?

Mr. Paoletti: No blasting, no.

Mr. Glover: And it is one story

Mr. Paoletti: It's one story. I have proposed a

Mr. Glover: If we see it, I keep it. If we see it, we have to keep it. It's one story?

Mr. Paoletti: Yes, it's one story.

Mr. Glover: Any other questions from the Board? (no) Any other questions from the Board? (no) Then I'll declare the hearing closed. Thank you very much.

Mr. Paoletti: Thank you, Chairman.

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

#508-3 "In the application of James & Vivian McKeeman of 79 Sorghum Road, Shelton, CT for a certificate of approval for 22x22 one story addition to be located on the property of the applicants at 79 Sorghum Road, R-2 zone, and which requires variances in setback from the right side yard, increase in maximum lot coverage as a percent of lot area and maximum lot impervious coverage as a percent of lot area,

The application for variances is approved.

Inasmuch as the lot is a pre-existing non-conforming lot served by city sewer and city water with a side yard setback which is pre-existing and non-conforming; and

Inasmuch as there is no place on this lot that an addition can be built without the need for a variance due to the existing size of the lot and existing percent of lot coverage, and

Inasmuch as the addition will not be any closer to the side yard than the house as it exists,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances to setback from the right side yard from 20 ft. to 16 ft. 2 in., increase in maximum lot coverage as a percent of lot area from 15% to 25.5% and maximum impervious lot coverage as a percent of lot area from 35% to 40.8% at the above is granted (Section 24.4, Schedule B, Standard 9 and Section 24.5, Schedule B, Standards 11 and 12) 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.”

#508-4 15 Skyline Drive, Leonard & Susan Krizan of 15 Skyline Drive, Shelton, CT are seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 40 ft. to 31 ft. for an 8x18 front covered porch and 30x6 front addition.

Mr. Glover: Alright, could you give your name and address for the record please?

Mr. Krizan: Good evening, I'm Leonard Krizan and this is my wife Susan and we're on 15 Skyline Drive in Shelton

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

Mr. Krizan: Yes. We have four neighbors that abut the property and these are the receipts. Do you need copies of the letters too?

Mr. Glover: No. Is that the pictures?

Mr. Krizan: Here's the pictures, they're marked on the back.

Mr. Glover: Alright, and you're going to, you're going to put an addition on the front of the house? Tell us what you're doing?

Mr. Krizan: We're doing a number of renovations, but what we want to do is, I want to make the front of the house accessible and put a wheelchair ramp that's covered with a porch along the front of the house. That'll extend about 8 feet. We had an A-2 survey done, which I believe you have in front of you there, and it shows that our current house is almost a foot into the 40 foot setback that's required

Mr. Glover: That's now

Mr. Krizan: 39.2 or whatever it is, currently. So if we add 8 feet to that, that leaves us with requesting another 8 foot, so a 9 foot variance, in other words from 40 to 31 feet.

Mr. Glover: So you're putting, is it, it's a covered ramp?

Mr. Krizan: Yes

Mr. Glover: Okay, so you're putting a porch with a ramp incorporated into it

Mr. Krizan: That's right, yes

Mr. Glover: and the addition is probably so that you can have access into the house?

Mr. Krizan: That's correct. Here's another rendering of it, I just colored in the area that's in question there. It just fits on the front there.

Mr. Glover: Alright, and obviously this ramp is for you.

Mr. Krizan: Yes

Mr. Glover: and obviously for safety reasons you need a way to get in and out of the house

Mr. Krizan: Correct

Mr. Glover: Is there any way to get in and out of the house now by yourself?

Mr. Krizan: Yes, but it's in a breezeway and I have to use a wheelchair lift which has failed on me a couple of times already.

Mr. Glover: So in a case of an emergency now you have no credible way to get out of the house

Mr. Krizan: That's correct

Mr. Glover: Okay.

Mr. Cavallaro: and that's a power operated lift?

Mr. Krizan: Yes. And that actually we're going to take that breezeway out so, you know, that would include taking the lift out too.

Mr. Glover: Okay, and you've notified your neighbors and they don't have any complaints?

Mr. Krizan: That's correct

Mr. Glover: Does the Board have any other questions? (no)

Mr. Cavallaro: Can I just see the pictures?

Mr. Glover: So it's the only place you can put it and it's an issue of safety and convenience.

Mr. Krizan: That's right

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

Mr. Krizan: Thank you.

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

#508-4 "In the application of Leonard & Susan Krizan of 15 Skyline Drive, Shelton, CT for a certificate of approval for an 8'x18' front covered porch with ramp, and 30'x6' front addition to be located on the property of the applicants at 15 Skyline Drive, R-1 zone, and which requires a variance in the setback from the street line,

The application for a variance is approved.

Inasmuch as the Board felt it was a minor variance that was needed to provide a safe means of egress for a handicapped occupant, and

Inasmuch there were no objections from the neighborhood and it creates a safer situation,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the setback from the street line from 40 ft. to 31 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

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

#308-5 Joseph Martinelli at 99 Indian Wells Road – During the work session the Board determined that the decision made at the April meeting with regard to application #308-5 included all variance requests on the application, and therefore, no further action was necessary on application #308-5.

Respectfully submitted,

Loreen Michalak, Clerk