

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, September 16, 2008 at 7:30pm

AGENDA:

#908-1 Gary Tobin at 12 Quaker Ridge Road

#908-2 Kevin C. McGrath at 26 Captains Watch

Possible Decision on:

#708-1 Fairchild Heights Residence Association Inc. – Appeal

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, and Jack Fitzgerald.

Mr. Glover: Good evening and ladies, lady and gentlemen and welcome the September meeting of the Zoning Board of Appeals. If you can't hear me in the back row, come, come to the front

Clerk: I think there's space

Mr. Glover: There's plenty of space.

Mr. Glover: We meet once a month to decide variances. When you speak in front of us you're, you're actually giving testimony so our clerk keeps it on the recorder and then transcribes in during the month. It is testimony and it's, it constitutes the record and if you disagree with our opinion at the end of the evening, it's the record that goes to court. So it's kind of important that the record be straight and clear. You're both in, there's two applications for variances tonight which means you should have posted your property. You should have notified your neighbors by certified mail and you should have some pictures of your property. If you have the pictures and if you have the receipts showing that you complied with both of those regulations, then we'll be able to go on with your hearing and if you do not, then we'll have to continue the hearing until the October meeting when you can take some pictures and notify your neighbors. Present with us tonight on my left is Commissioner Jack Fitzgerald, Commissioner Linda Adanti, our clerk, Larry, Lori Michalak. I'm Gerry Glover, to my right is Ed Conklin and to his right is Phil Cavallaro. Ed?

#908-1 12 Quaker Ridge Road, Gary Tobin of 29 Thompson Street, Milford, CT is seeking to waiver Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 10 ft. for a 24x24 detached garage.

Mr. Glover: Uh, Mr. Tobin?

Mr. Tobin: Yes

Mr. Glover: You need to come up here and talk, otherwise we don't know what you're doing

Mr. Tobin: It's my first time

Mr. Glover: Well come up here and have a seat.

Mr. Tobin: Good evening

Mr. Glover: Good evening. Could you please give your name and address for the record?

Mr. Tobin: Gary Tobin, 29 Thompson Street, Milford, CT, 06460

Mr. Glover: Is there anyone else in the hall that is interested in Mr. Tobin's? (yes) Why don't you come forward too so you can hearing everything. If there's not a chair then you can bring a chair if you'd like.

Mr. Tobin: Did you want the originals of these or the copies?

Mr. Glover: The originals please. How many abutting neighbors do you have?

Mr. Tobin: Two

Mr. Glover: Okay.

Mr. Boros: We're John and Paula Boros

Mr. Glover: And do you have pictures please?

Mr. Tobin: Yes, I have many pictures, I don't know

Mr. Glover: I only need four, I need, there's supposed to be one of each side and one showing that it was placarded.

Mr. Tobin: Okay. Here's the placard

Mr. Glover: I only need one of these

Mr. Tobin: Oh, you just need one?

Mr. Glover: yep, one showing the placard. Is there a house on the lot?

Mr. Tobin: yes, here's one side, here's the front, and that's the side, the other side.

Mr. Glover: Okay

Mr. Tobin: I also have some aerial views, one's good for you?

Mr. Glover: Oh yeah, one's more than enough. The red house in the middle is yours?

Mr. Tobin: That's correct, well, yes

Mr. Glover: Alright, let me explain to you how this works, Mr. Boros. First the applicant speaks, you tell us what you want. If we have any questions we'll ask you. After you speak and the board asks any questions that they have of you, then I will ask if there's anyone in this hall who is in favor of this application. If there's anybody here that's in favor of the application then they will get to speak and we will get to question them. After that I will ask if anyone in this hall is opposed to that application. At that point the people who are in opposition will get to speak and then we get to question them. It, as I said it's a hearing. We can only receive testimony from one person at one time, so it's, Mr. Tobin this is your hearing, you're the applicant and you will be talking to the Board. And when you're through whether Mr. Boros is opposed or, is a proponent or an opponent he will have his turn, but it does not become a discussion between the two of you. It's addressed to us, okay? Alright, Mr. Tobin, please tell us what you want to do and why you can't comply with the zoning regulations of the City of Shelton.

Mr. Tobin: Sure. Here's the a, this is not to scale exactly, but it's a basic map that, of the property and the topography of it. In the rear of the, well first of all, the house is situated very, is different. It faces Lark but the address is actually Quaker Ridge.

Mr. Glover: Okay

Mr. Tobin: the topography, the aerial picture that I gave you shows that better.

Mr. Glover: Alright, so that means that the side of the house, what we would think is the side, as the side that faces Quaker Ridge is the front of the house for zoning thoughts

Mr. Tobin: If you're looking at the front of the house the right side of the house is actually the front of the house, which is the Quaker Ridge side

Mr. Glover: Alright, let me, let me make this, put this in Zoning Board of Appeals speak. The side of the house that has the gravel walk, not the side with the driveway, that's the side that is closest to Quaker Ridge Road. That would be considered the front of the house if your application is for 12 Quaker Ridge Road.

Mr. Tobin: Okay gravel and you're considering this the gravel walk? Because that's actually the driveway.

Mr. Glover: Um, alright, the area where it looks like there's a little addition on it, this over here? This part over here

Mr. Tobin: This is the driveway,

Mr. Glover: that's the driveway

Mr. Tobin: this is Lark

Mr. Glover: right, Lark is your side, is the side of your house

Mr. Tobin: correct

Mr. Glover: Okay, so, the front of your house for the purposes of this hearing is the side that faces Quaker Ridge Road

Mr. Tobin: okay

Mr. Glover: Okay? Now, for the purposes of this hearing, right and left sides are defined as if you were standing on the property facing the street

Mr. Tobin: okay

Mr. Glover: so if we stand on your property and face the street, the, what people would think normally would be the rear, is now the left side. And the side that is closest to Lark is the right side. And the side that is closest to Raymond and Janet is it Peter? Petrucciano? On your map here

Mr. Tobin: yes

Mr. Glover: that would be the rear

Mr. Tobin: right

Mr. Glover: Now, you're looking for a variance, a reduction of the rear setback from 30 to 10 feet

Mr. Tobin: correct

Mr. Glover: So you're going to be 10 feet off the property line of Janet & Raymond Petrucciano

Mr. Tobin: okay

Mr. Glover: Okay? I know this is little complicated and we never know when something is going to go to court and the judge, it's important for the judge if it does go to court to know which we considered the front, which is the left and which is the right. And it becomes confusing when the actual front of your house faces Lark but you, but we're considering the side that faces Quaker Ridge Road as the front of your house

Mr. Tobin: Okay

Mr. Glover: that's confusing enough

Mr. Tobin: right

Mr. Glover: beyond that most people would stand on the street and say what's on the left is on the left and what is on the right is on the right, but for whatever reason our regulations say you stand at the house and look out at the street and what's on the left is on your left and what's on the right is on your right

Mr. Tobin: okay

Mr. Glover: So, now we've defined that you're, that you're, you're actually, we're dealing with the right side line, the correct side line, the rear side line.

Mr. Tobin: The rear side line, that's correct

Mr. Glover: Now, you want to build a garage that's how big?

Mr. Tobin: 24x24

Mr. Glover: Okay, and how high?

Mr. Tobin: it's going to be approximately 18 feet

Mr. Glover: Is it going to have a second floor?

Mr. Tobin: No it is not

Mr. Glover: Okay, so it's a two car garage?

Mr. Tobin: that's correct

Mr. Glover: and how big are the garage doors in this two car garage?

Mr. Tobin: they're going to be 8 feet wide each

Mr. Glover: Okay, how high?

Mr. Tobin: 7 feet tall

Mr. Glover: Okay. And why, why are you building this 10 feet off of the property line when you have so much property?

Mr. Tobin: Okay, um, the septic tank is on the left side of the house so that's unbuildable. The well is on the right side of the house which is at the front door of the house.

Mr. Glover: Okay, hang on, so the well is toward Lark?

Mr. Tobin: that's correct

Mr. Glover: and the septic is toward Mr. & Mrs. Boros

Mr. Tobin: That's correct

Mr. Glover: Okay, thank you.

Mr. Tobin: and the front of the house, the topography doesn't, you can't do it because of the topography. It's a very steep hill there.

Mr. Glover: That being the one that faces Quaker Ridge

Mr. Tobin: That is correct

Mr. Glover: Okay, I'm, I'm trying to keep the record straight, that's all

Mr. Tobin: that's fine.

Mr. Glover: Alright, so what you're saying is in your opinion you have no other place to put this garage

Mr. Tobin: that's correct

Mr. Glover: How will you use the garage? What will you do in the garage?

Mr. Tobin: There'll be a vehicle and lawn equipment

Mr. Glover: Okay, the vehicle is just a passenger car?

Mr. Tobin: that's correct

Mr. Glover: You're not going to do any repairs, or use it as a shop or doing any commercial work in the garage

Mr. Tobin: No

Mr. Glover: The garage is going to have electricity in it?

Mr. Tobin: Yes it will

Mr. Glover: But no heat

Mr. Tobin: no heat

Mr. Glover: okay and there's no running water in the garage

Mr. Tobin: no running water

Mr. Glover: Okay. And it's on the side of the house that has a driveway so it's the logical place to put the garage

Mr. Tobin: That is correct

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

Mr. Tobin: I do want to add that the Naugatuck Valley Health approved the location for this garage

Mr. Glover: and in order to do that did you have to do deep hole tests?

Mr. Tobin: Yes we did

Mr. Glover: So you did deep hole tests and you did perc tests and you determined that your building was not going to be where your septic system is, and not going to be where there's a reserve area for your septic system.

Mr. Tobin: that's correct

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

Mr. Cavallaro: Can I just see the plot plan? What's behind the proposed garage, is that a shed?

Mr. Tobin: Yes, that shed will be removed.

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

Mr. Tobin: I do have a letter from the abutting property on Lark

Mr. Glover: Ed, would you read that please?

Mr. Boros: I provided a letter also

Mr. Glover: Yeah, I've got it right here

Mr. Conklin read letter: "9/12/08. City of Shelton Board of Zoning Appeals, 54 Hill Street, Shelton, CT. RE: 12 Quaker Ridge Road, Detached, 2 Car Garage, 24'x24'. Dear Board Members, I have viewed the prints for the proposed detached, 2 car garage (24'x24') for 12 Quaker Ridge Road, Shelton, CT, and we **SUPPORT** the proposed location of said garage and ask you to approve the variance as proposed. Sincerely yours, Raymond & Janet Petrucciano, 7 Lark Lane, Shelton, CT 06484"

Mr. Glover: Alright, and those are the people that you are encroaching on

Mr. Tobin: That's correct

Mr. Glover: Alright, is there anyone else in favor of this application?

Mr. Boros: We're in favor also

Mr. Glover: Mr. Boros, do you want to read your letter or do you want

Mr. Boros: If you want to read it, that's fine.

Mr. Glover: Hang on, before you do that, can you please give your name and address for the record?

Mr. Boros: John Boros, John & Paula Boros, 16 Quaker Ridge Road.

Mr. Conklin read letter: "City of Shelton Board of Zoning Appeals, 54 Hill Street, Shelton, CT 06484. Subject: 12 Quaker Ridge Road, Detached, 2 Car Garage 24'x24'. From John Boros, 16 Quaker Ridge Road, Shelton, CT 06484. Dear Board Members, Regarding the proposed construction of G.P. Tobin Construction of a detached garage for 12 Quaker Ridge Road, I do not have issue with the proposed location. I do have two concerns which I discussed with Mr. Tobin: 1) Assurance of appropriate access to the septic system should there be any future problem and there be a need to replace the system, and, 2) Appropriate drainage of water roof runoff from the structure. As there is extreme ledge content on both properties, the ground currently reaches a saturation point very quickly resulting in topical water flow. In speaking with Mr. Tobin, he mentioned that gutter flow would run West, away from 16 Quaker Ridge. Consideration should also be given to an infiltration/dry well to avoid water runoff. Thank you, John Boros."

Mr. Glover: Mr. Boros, anything else you want to add?

Mr. Boros: No, I think that pretty much says it. I really don't have an issue with the structure itself. Like, again, as the letter says, my concern was the, was the access to the septic and it appears that there is room to get to the septic system. So I don't have a problem there. And then, the water issue, in looking at the property after I wrote that letter, I did see that it does flow away, but I thought maybe if there was a possibility of maybe putting in a dry well of some sort maybe that would help the situation further.

Mr. Glover: Thank you.

Mr. Boros: I did sign this, if you want this, our agreeing with the structure.

Mr. Conklin read: "Dear Board Members, I have viewed the prints for the proposed detached, 2 car garage (24'x24') for 12 Quaker Ridge Road, Shelton, CT and we **SUPPORT** the proposed location of said garage and ask you to approve the variance as proposed. Sincerely yours, John & Paula Boros, 16 Quaker Ridge Road."

Mr. Glover: Anything else Mr. Boros?

Mr. Boros: No

Mr. Glover: Mr. Tobin, you are the builder?

Mr. Tobin: That's correct

Mr. Glover: And Virginia Clark is the owner?

Mr. Tobin: That's correct

Mr. Glover: And I'm assuming that Virginia Clark knows you're here?

Mr. Tobin: Oh, yes

Mr. Glover: Is Virginia Clark, is it a business relationship?

Mr. Tobin: Yes

Mr. Glover: Okay, so you're a contractor doing it for a homeowner.

Mr. Tobin: That's correct

Mr. Glover: Okay, so it's her car that's going to be in the garage

Mr. Tobin: That is correct. She's a school teacher

Mr. Glover: No problem

Mr. Tobin: And she's the only resident of the house. Her husband passed away 5 years or so ago.

Mr. Glover: Had you considered putting in a dry well for leader systems?

Mr. Tobin: No I did not, um, the, when we were doing the soil testing for the Naugatuck Valley Health we actually had to go through 4 different, actually to the fifth location to find that secondary

Mr. Glover: because of the ledge?

Mr. Tobin: because of the ledge

Mr. Glover: And the topography of this shows that it's going to Quaker Ridge, it's going toward Quaker Ridge toward Mr. Boros' property, but it's settling in the corner of your, of the two properties

Mr. Tobin: I don't know where it's settled, but

Mr. Glover: Well, I'm assuming that Mr. Boros' property goes up similar to, that his property goes up, this one's coming down, this one's coming down too.

Mr. Tobin: the back of the, actually the two backs meet, yeah

Mr. Glover: so the water isn't going to go anywhere near your house, it's going toward

Mr. Fitzgerald: The water would have to be deposited beyond the septic system

Mr. Glover: Yes, there's plenty of room Jack, do you want to see the map?

Mr. Tobin: We dug 4 locations on the property and hit ledge and then the 5th location which was about 40, 35 feet or so, 40 feet from the house, which was approved by Naugatuck Valley Health

Mr. Glover: Okay, your neighbors both support you

Mr. Tobin: Yes

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

Mr. Fitzgerald: I'm all set.

Mr. Glover: Alright, then seeing no other input from anyone, I declare the hearing closed. Thank you very much.

Mr. Tobin: Thank you.

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

#908-1 "In the application of Gary Tobin of 29 Thompson Street, Milford, CT for a certificate of approval for a 24x24 detached garage to be located on the property of Virginia Clarke at 12 Quaker Ridge Road, R-1 zone, and which requires a variance to the minimum rear yard setback,

The application for a variance is approved.

Inasmuch as it is the only place the garage can be built on the property due to the location of the well and septic system, and

Inasmuch as there were no objections from the abutting neighbors,

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 10 ft. (Section 24, Schedule B, Standard 8) in this instance.

This certificate of approval is contingent on the following stipulations: 1. The size of the garage doors shall be restricted to the dimensions presented to the Board during the hearing. 2. The garage will be a one story structure with no living space. 3. No commercial business will be conducted out of this garage.

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

#908-2 26 Captains Watch, Kevin C. McGrath of 26 Captains Watch, Shelton, CT is seeking to waiver Section 24.11.4 by varying the setback from the rear property line from 40 ft. to 25 ft. for a 40x25 inground pool.

Mr. Glover: Alright, Mr. McGrath, I assume

Mr. McGrath: Yes

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

Mr. McGrath: Kevin McGrath, 26 Captains Watch, Shelton, CT 06484

Mr. Glover: And might you have some pictures?

Mr. McGrath: yes

Mr. Glover: and some notification receipts to your neighbors?

Mr. McGrath: Yes, receipts

Mr. Glover: Wow, I guess you've got a few huh?

Mr. McGrath: I've got a few of everything.

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

Mr. McGrath: Yes

Mr. Glover: And I notice that the land trust is one of your neighbors and you've notified them, which is good

Mr. McGrath: Yes. Here's a picture of the front of the house. It's down and back so I took a couple, I don't know how much, here's the front

Mr. Glover: Do you have your aerial map?

Mr. McGrath: I don't have an aerial map

Mr. Glover: Oh, that's alright. It's the first time I've ever seen an aerial map here

Mr. McGrath: Here's another, that's another front view shot, the right side yard, the left side

Mr. Glover: You used up a lot of ink didn't you?

Mr. McGrath: I did. I just wasn't sure exactly what you needed

Mr. Glover: alright

Mr. McGrath: If you want the rest

Mr. Glover: No. Tell us um, did he give his name and address?

Clerk: Yes

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

Mr. McGrath: Sure. We'd like to install an in the ground pool approximately 18 feet x 38 feet going through the inland/wetlands, trying to map it out around our septic system this seems like the only place that it'll fit. I actually did get approval without going for the variance from John Cook, but after reviewing the map with John Cook and the zoning department everyone felt comfortable that getting the variance would be better than coming out of the backyard and coming closer to the wetlands.

Mr. Glover: Alright, so what you're saying is that you spoke with Mr. Cook and Mr. Cook and the wetlands think it's better, a better situation for you to move this pool to where it's being moved to

Mr. McGrath: Exactly. I have, this is what, this is the plot plan of what he approved without a variance

Mr. Glover: Okay

Mr. McGrath: and then what I sent to you is kind of what, and we would prefer the bigger pool as well

Mr. Glover: Right, so is your pool 18x38 or is it 40 x 25?

Mr. McGrath: It's going to be 18x38

Mr. Glover: Okay, so you've made a smaller pool

Mr. McGrath: Yes

Mr. Glover: Alright, so

Mr. Conklin: The setback is going to be the same, even though you reduced the size of the pool the setback is going to be the same

Mr. Glover: Well he, he changed the location of the pool. He didn't just change the size. John Cook told him, asked him to change the location of the pool which then put him closer to the property

Mr. McGrath: Exactly, because what it is going to do is it's going to come out here and here's the brook? What he wanted to do is basically flip it, bring it closer to the house and farther away from the brook. He did approve that as our Plan B, but he said you know, this is the best way to do it.

Mr. Glover: Alright, so you originally went to the wetlands with a map or a plot plan to put in a 40 x 25 foot in-ground pool, correct? Originally

Mr. McGrath: Yes, correct

Mr. Glover: You received approval from the wetlands to go ahead and do the 40 x 25 foot pool

Mr. McGrath: Actually no, what we received was a 20 x 30, alright, so it was 30 going out to the brook and 20 across.

Mr. Glover: Okay

Mr. McGrath: So basically all I did was kind of flipped it

Mr. Glover: Okay, so, but you already had a larger pool approved by wetlands

Mr. McGrath: No, I had a smaller pool, a smaller pool approved

Mr. Glover: that was approved by wetlands

Mr. McGrath: Correct

Mr. Glover: You had all your approvals and then the wetlands agency said it would be better for the wetlands and for everybody if you turned the pool, made the pool a little smaller and put the pool in a different location

Mr. McGrath: Correct

Mr. Glover: So you, you don't, you don't have a hardship for being too close to the property line because it's possible for you to do that. But in this case the wetlands is asking you to do it to make it better for the environment and for the wetlands

Mr. McGrath: Correct

Mr. Glover: And other than this spot, there is no other place on this lot that you can put this pool and be away from the wetlands

Mr. McGrath: Unfortunately no. If you see where the septic is and the other alternative would be the wooded area across the river

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

Mr. Cavallaro: Where's the filter equipment going to be?

Mr. McGrath: It's going to be in back of the pool and, like right here. It's going to be within the 40, or the variance. This is our neighbors, the Sears

Mr. Cavallaro: It's closer to your neighbor's property

Mr. McGrath: It can be changed. I mean that's just, alright so you tell me where you want it and that's where we'll put it.

Mr. Glover: I think what he was asking was when you turn the pool is the equipment going to be between the pool and your neighbor Mr. Sears?

Mr. McGrath: Yes

Mr. Glover: Do you have an option to put it someplace else?

Mr. McGrath: I can put it on the other side if you'd like.

Mr. Glover: I'd rather have it, unless Phil has a problem with this, I'd rather have you put it on the other side so that you listen to the filter in the summertime and the Sears don't.

Mr. McGrath: Sure, not a problem.

Mr. Glover: because you're really supposed to be 30 feet, 40 feet because you're an interior lot

Mr. McGrath: right

Mr. Glover: 40 feet and they have a right to not have to listen to your filter all, through their bedroom window

Mr. Cavallaro: That's where I was going with that

Mr. Glover: That's what I thought, okay

Mr. McGrath; Whatever you, that's fine.

Mr. Glover: Does the Board have any other questions? (no) Is there anyone in this room in favor of this application?

Mr. McGrath: Yes. But I do have a letter from the Sears

Mr. Conklin read letter: "Julia Sears & David Ambrose, 30 Captains Watch, Shelton, CT 06484. September 5, 2008. City of Shelton Board of Zoning Appeals, City Hall, 54 Hill Street, Shelton, CT 06484. Dear Members of the Board of Zoning Appeals: Please accept this letter into public record that, we the property owners of 30 Captains Watch have reviewed the McGrath's (26 Captains Watch) request for a variance from the left side setback from the front of their property from the required 40 feet to 24 feet for the construction of an inground pool. We have also reviewed the project plan and the improvement location survey of the proposed pool. We do not have any objection to the board granting their request for the variance. Thank you, Julia Sears & David Ambrose."

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

Mr. McGrath: Thank you.

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

#908-2 "In the application of Kevin C. McGrath of 26 Captains Watch, Shelton, CT for a certificate of approval for an 18x38 foot in-ground pool to be located on the property of the applicant at 26 Captains Watch, R-1 zone, and which requires a variance to the minimum rear yard setback,

The application for a variance is approved.

Inasmuch as the Board recognized an unusual difficulty because of the existence and location of wetlands on the property; and

Inasmuch as the proposed location of the pool was better environmentally and less encroaching on the existing wetlands according to the wetlands administrator,

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 40 ft. to 25 ft. at the above is granted (Section 24.11.4) in this instance.

This certificate of approval is contingent on the applicant taking a building permit prior to erecting the pool and providing any necessary safety features including a fence that may be required by the building department; and placing the pool filter on the side of the pool that does abut the neighbor's property.

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

Approval of Minutes

During the work session the Board, upon motion by Ms. Adanti and seconded by Mr. Cavallaro, voted unanimously to approve the minutes of the August 19, 2008 hearing as submitted by the clerk.

Respectfully submitted,

Loreen Michalak, Clerk