

**ZONING BOARD OF APPEALS
AGENDA OF BUSINESS MEETING TO BE HELD
DECEMBER 13, 2011, 7:00 P.M.
CITY HALL AUDITORIUM
110 RIVER STREET, MILFORD, CT**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT will be held on Tuesday, December 13, 2011, beginning at 7:00 p.m. in the auditorium of CITY HALL, 110 River Street, Milford, CT, to hear all parties concerning the following applications, some of which required Coastal Area Site Plan Reviews or exemptions, as indicated below:

A. CONSIDERATION OF AGENDA ITEMS

1. **354 Woodmont Road** (Zone ID) Discuss and act, if appropriate, on rescinding action taken November 9, 2011 and further discuss and act, if appropriate, on the following issues as set forth in the remand by the Superior Court in the matter of Side Step, Inc., et al vs. Board of Zoning Appeals, Superior Court, Judicial District of Ansonia/Milford, Docket No. CV 10-6004583S:
 - a. Determine the continued validity of the 2010 variance, based upon the finding that the action of May 11, 2010 is “voidable”, not “void”;
 - c. Determine whether the principals or agents or ATGCKG Real Estate, LLC, had actual knowledge of the meeting of May 11, 2010, and, if so, whether actual notice constituted a waiver of the municipal notice requirement;
 - d. Determine whether the issuance of the zoning permit on June 30, 2010, or the recording of both variances on the Milford Land Records, affects the ability of the Board of Zoning Appeals to act upon any rescission motion; and
 - e. Consider, assuming it follows the dictates of Roberts Rules of Order in its deliberations, the application of Parliamentary Procedure specifically with regard to the distinct meaning of the terms “rescind” and “reconsider.”
2. **29 Baldwin Street cor. Lenox Avenue** (Zone R-7.5) Andrew J. Flanagan, appellant, for Leszek and Joanna Lewczak, owners – request to vary Sec. 3.1.4.1 front yard setback to 16.9’ in lieu of 20’ required and vary Sec. 11.2 to 728 sq. ft. in lieu of 355.8 sq. ft. allowed to replace existing garage. CAM received. Map 19, Block 11, Parcel 1.
3. **71 Melba Street** (Zone R-5) Kevin Curseaden, attorney, for K.R.Robinson Company, Inc., owner – request to vary Sec. 11.2 Definition of Crawl Space to 4’6” in lieu of 4’ allowed for flood elevation compliance. Vary Sec. 3.1.4.1 rear yard setback to 8’ (7’ with overhang) in lieu of 20’ required for principal structure; 2’ in lieu of 20’ required for first floor deck; 2’ in lieu of 20’ required for second floor deck; 4’ in lieu of 20’ required for third floor deck. CAM required. Map 29, Block 587, Parcel 25.
4. **218 West River** (R-12.5) Michael D. Apatow, owner – Vary section 3.1.4.1 front yard setback from 30’ in lieu of 25.2’ provided to allow 50% improvement on existing residence according to section 6.2.6. Map 65, Block 314, Parcel 28.
5. **15 Wall Street** (R-7.5) Patricia Attolino, appellant, Anthony & Sandra Evangelista, owners - appeal the issuance of a Planning and Zoning Permit by the Assistant City Planner for construction of a single family home, on November 1, 2011. Map 71, Block 773, Parcel 5.
6. **264 Broadway cor Hauser Street** (R-7.5) Anna Lamorte, owner - Vary Section 4.1.4 projection into side yard to 1’ 4” in lieu of 1’ allowed for 2 exit steps to remain. CAM 10/20/09. Map 9, Block 130, Parcel 17A.
7. **49 Wilbar Avenue cor Walker Street** (R-5) Maya Prabhu, owner - Vary section 3.1.4.1 side yard setback to 8.2’ (7.2’ to overhang) in lieu of 10’ required for 2nd floor addition. Vary section 3.1.4.1 accessory structure to 1.5’ in lieu of 4’ required for side yard and 1.5’ in lieu of 5’ required for rear yard to repair or replace existing garage. CAM required. Map 45, Block 513, Parcel 4.

8. **5 Gulf Pond Lane aka 5 Riveredge Drive** (Zone R-10) Thomas Lynch, attorney for Bruce Blake, owner – Vary section 3.1.4.1 rear yard setback to 10.4' in lieu of 25' required for existing residence to remain and 19.7' in lieu of 25' required for construction of addition. CAM received. Map 37, Block 588, Parcel 10.
9. **28 Way Street aka Waverly Street** (R-12.5) Warren Field, Jr., owner - Vary section 3.1.4.1 side yard set back to 5' (3.5' to overhang) in lieu of 10' required. Map 25, Block 217, Parcel 7 & 15.
10. **1585 Boston Post Road** Thomas Lynch, attorney for Quartet Food Service, LLC owner – Vary section 5.5.5 to allow second restaurant liquor permit in shopping center containing 40,742 sf in lieu of 60,000 sf required. Map 100, Block 805, Parcel 13.

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

E. STAFF UPDATE

F. ACCEPTANCE OF MINUTES FROM NOVEMBER 9, 2011 HEARING

G. ACCEPTANCE OF APPLICATIONS FOR JANUARY 10, 2012 HEARING

Any other business not on the agenda, to be considered upon two-third's vote of those present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, 203-783-3230, PRIOR TO THE MEETING IF POSSIBLE.