

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 January 2024

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 9 January, 2024, beginning at 7:00 p.m. at 110 River Street, to hear all parties concerning the following applications, some of which require Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

MEMBERS PRESENT: A. King, G. Montano, W. Soda, C. Wolfe

ALTERNATES PRESENT: G. Dubois, C. Hirsch

MEMBERS/ALTERNATES ABSENT: S. Ferrante (excused)

STAFF PRESENT: S. Harris, Zoning Enforcement Officer; M. Greene, Rec'd Sec'y

B. ELECTION OF OFFICERS

Mr. Harris called the meeting to order at 7:00 pm and announced the election of officers.

Ms. Soda nominated **Ms. Ferrante** for chairperson, **Mr. Montano** seconded. **Mr. Harris** advised that Ms. Ferrante had submitted a letter indicating her willingness to accept the nomination in absentia. The vote to elect Ms. Ferrante was unanimous.

Mr. Harris asked **Ms. Hirsch** to run the meeting in Ms. Ferrante's stead. She asked for nominations for Board Secretary.

Mr. Soda nominated **Mr. Montano** for Board Secretary. **Ms. Hirsch** seconded, and that vote was also unanimous.

C. CONSIDERATION OF AGENDA ITEMS

- 1. 15 Bonsilene Street** MBP 71/778/5, R-5; Kevin Curseaden, Esq., owner; Appeal the decision of the Zoning Enforcement Officer in accordance with the provisions of section 9.2.1 regarding issuance of zoning permit that allows increase in nonconforming structure and nonconforming building area as % of lot without required variances; structure exceeds approved variance; variance expired.

Mr. Harris read a statement regarding the vote and interpretation of the action taken on 15 Bonsilene Street at the December 2023 ZBA meeting, as follows:

Upon closure of the December 12, 2023, hearing of an appeal of the ZEO's decision regarding 15 Bonsilene St., Ms. Hirsch moved to uphold the ZEO's decision to re-issue the zoning permit. Mr. Soda seconded the motion.

A roll call vote was taken:

A total of two votes – Ms. Hirsch and Mr. Soda – voted with the motion to uphold the ZEO decision.

A total of three votes – Mr. Tuozzola, Ms. Ferrante, and Mr. Montano – voted against the motion to uphold the ZEO decision.

Following the vote, I erroneously stated that the vote to uphold the decision of the ZEO was overturned, resulting in the appeal being sustained.

However, pursuant to CGS 8-7 (pasted below) four votes are required to sustain an appeal seeking to reverse a decision by the ZEO. Accordingly, failing to obtain four votes against the motion, the appeal is denied.

"Sec. 8-7. Appeals to board. Hearings. Effective date of exceptions or variances; filing requirements. The concurring vote of four members of the zoning board of appeals shall be necessary to reverse any order, requirement or decision of the official charged with the enforcement of the zoning regulations..."

- 2. 67 Cooper Avenue** MBP 22/458/50; R-5; Jeffrey Hatfield, owner; Vary sec. 4.1.4 to 2.8' where 4' permitted for an air conditioner platform; survey by Codespoti & Associates, 12/07/23, revised 12/21/23.

Mr. Hatfield, 57 Pelham Street, addressed the board. He said that at the completion of his work on 67 Cooper Avenue, the As-Built Survey revealed that the air conditioning compressor was in the setback. He stressed that the compressor is on a platform due to being in a flood zone and should not pose a problem to neighbors. **Mr. Wolfe** asked about the fence and was told it had been removed. **Mr. King** asked if the compressor platform was in the original plan; **Mr. Hatfield** said he thought it was, but apparently was not. **Mr. King** asked if the condenser could be placed elsewhere but was told that if the platform were on the other side, it would

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block the stairs. He asked about the decks and how much of them the AC unit would take up. **Mr. Soda** asked if other variances were granted when the house was built and was told none were. **Mr. King** noted that the abutter was a new owner and asked whether that new owner had expressed any objection and whether the condenser was close to any abutter's window. **Mr. Hatfield** said he built both houses and the abutter had the same platform arrangement on the far side. He was unaware of any objections to the platform at 67 Cooper. **Mr. Montano** confirmed that the elevated platform was for flood mitigation. **Mr. Harris** clarified that the platform is raised 9' off the ground but is 13' above sea level.

Ms. Hirsch asked if anyone wished to speak in favor of or in opposition to the application and hearing none, closed the hearing and asked for a motion.

Mr. Montano moved to **approve as presented** the petition of Jeffrey Hatfield, owner; Vary sec. 4.1.4 to 2.8' where 4' permitted for an air conditioner platform; survey by Codespoti & Associates, 12/07/23, revised 12/21/23.

Mr. Soda seconded.

Discussion: **Mr. Soda** said he felt the location made sense. **Ms. Hirsch** noted that no opposition was raised.

The motion carried with Ms. Hirsch and Messrs. King, Montano, Soda, and Wolfe voting with the motion.

D. NEW BUSINESS None.

E. OLD BUSINESS **Ms. Hirsch** noted a fond farewell in December from the board to retiring, long-time chairman Joe Tuozzola.

F. STAFF UPDATE None.

G. ACCEPTANCE OF MINUTES FROM 12 DECEMBER 2023 HEARING Minutes were approved unanimously. (Mr. Wolfe watched the proceedings on the MGAT broadcast.)

H. ACCEPTANCE OF APPLICATIONS FOR 13 FEBRUARY 2024 HEARING

Adjournment was at 7:17 pm.

Attest: M.E. Greene, ZBA clerk

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.**