

MEMBERS PRESENT: Fred Katen, Howard Haberman, Nanci Seltzer, Joseph Tuozzola

ALTERNATES PRESENT: Thomas Nichol

STAFF PRESENT: Emmeline Harrigan, Assistant City Planner; Rose Elliott, Clerk

The meeting was called to order at 7:00 p.m.

A. CONSIDERATION OF AGENDA ITEMS

1. **462 Oronoque Road** (Zone LI) Thomas B. Lynch, attorney, for Oronoque Road, LLC, owner – request to vary Sec. 2.5.5 to allow 15' wide access to rear lot where 50' is required. Map 74, Block 928, Parcel 18.

Thomas B. Lynch, 63 Cherry Street, said in a conversation with the Assistant City Planner prior to the start of the meeting, he was told there may be a question as to whether there was proper notification of the neighbors to which Chrmn. Katen answered there might be. The question is whether notification should have also included 556 Oronoque Road.

Emmeline Harrigan, Assistant City Planner, explained the office was waiting to hear from the City Attorney's office as to whether notification should be from the defined easement area or from the entire parcel. Their office had not responded back as of the end of the day, so additional notice may be required.

Atty. Lynch said if there is some question as to the notices, they were sent out in accordance with Assessor records and this parcel has no frontage on Oronoque Road. The access and the subject property is an easement that crosses over the Capozziello farm. If there is some question as to whether the Capozziello farm address should have been included, he is inclined to withdraw the application, wait for word from the City Attorney's office, and then re-file next month.

Chrmn. Katen agreed that would be the most prudent thing to do.

Atty. Lynch then withdrew his application from the agenda.

Chrmn. Katen accepted his withdrawal and called a 5 minute recess to allow the large number of people in attendance to exit the auditorium.

Withdrawn.

2. **989 Wheelers Farms Road** (Zone RA) Thomas B. Lynch, attorney, for Frank and Virginia Camputaro, owners – request to vary Sec. 3.1.4.1 lot area from 43,560 sq. ft. to 27,530 sq. ft. and lot width from 150' to 130' for Parcel A. Vary Sec. 3.1.4.1 lot area from 43,560 sq. ft. to 28,402 sq. ft. and lot width from 150' to 130'; vary Sec. 3.1.4.1 for 9.6' and 11.5' in lieu of 15' side yard and Sec. 4.1.1.6 to allow a 976 sq. ft. and 1,451 sq. ft. greenhouse to remain; vary Sec. 3.1.4.1 for 1.4' in lieu of 10' rear yard and 7.6' in lieu of 15' side yard and Sec. 4.1.1.6 to allow 1,676 sq. ft. barn/shed to remain for Parcel B. Map 118, Block 904, Parcel 1C.

Thomas B. Lynch, 63 Cherry Street, attorney, said they are asking for a variance to divide the existing property that consists of approximately 55,000 sq. ft., into two lots. Each of these two lots would be approximately three quarters of an acre in size. The purpose is to allow a division of the land so the Camputaro's can build another residence for which they will live in and keep this lot as family property for either rental or for the other family members. In 1979, 1981, and 1989, previous variance applications were granted for the greenhouses and the outbuildings. Mr. Camputaro runs Maple Tree Farm and has lived in Milford for over 50 years and they would like to continue to live here. He explained this property borders the former

Astriab Farm that was subdivided in the late 1970's. The Camputaro property was at one time, supposed to be included in the subdivision but was not. The subdivision was a cluster subdivision, which allows the developer to build more houses on smaller lots as long as open space is set aside for and included as part of the subdivision application. The zone is RA, but because it was a cluster subdivision, the parcels were clustered down to 18,000 sq. ft. The Camputaros are being forced to carry the restrictions the RA zoning regulations require for their property but it is not a restriction or imposition to all of their neighbors. This imposition creates a hardship the Board can consider and grant a variance for. He submitted a petition signed by people in favor of the application.

Chrmn. Katen asked Ms. Harrigan if this variance is granted, would the owners be allowed to carry on the business on both lots to which Ms. Harrigan said no.

Atty. Lynch said Mr. Camputaro would only be continuing the greenhouse business out of the proposed new lot.

Ms. Harrigan noted if the proposed house is never constructed and the variance expires, the lots would then again be merged by usage.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Ms. Seltzer said she didn't have a problem with the application and Mr. Haberman added that while he is not usually in favor of subdividing property, he had no problem with this application either. It is a huge piece of property. Ms. Seltzer stated when you take into consideration the size of the surrounding properties; it isn't an unreasonable request. Chrmn. Katen noted his only concern is if it is granted and construction doesn't take place, it would revert back to two lots again. Ms. Harrigan added for clarification that this division would still need to be recorded on the land records.

Mr. Tuozzola made a motion to approve with Mr. Haberman seconding. The reason for approval is because the size of the lots in the neighboring subdivisions are smaller, this variance will allow the property owner to make better use of his land. The motion carried unanimously Ms. Seltzer, Messrs. Tuozzola, Haberman, Nichol and Katen voting.

3. **36 Beach Avenue** (Zone R-12.5) Ron D'Aurelio, appellant, for Allen & Connie Sajdak, owners – request to vary Sec. 3.1.4.1 lot coverage to allow 47.1% coverage in lieu of 45% and 38.1% building area in lieu of 30%. CAM required. Map 71, Block 774, Parcel 2.

Ron D'Aurelio, 42 Cherry Street, architect, passed out paperwork to the Board members. His clients would like to enlarge their house. The existing house currently goes over the building coverage percentage and lot coverage percentage. Anything they do would require a variance. The proposed expansion would all be within the setback lines. The lot size is non-conforming, 5,415 sq. ft. where 12,500 sq. ft. is required. It is a very undersized lot. The project is "ell" shaped and one portion calls for a three story, 11'x22' section with a roof top deck and the other portion, is a two story addition with a rooftop deck. A set of stairs would connect the two decks. No views would be blocked and the shed in the rear removed. The hardship is the undersized, non-conforming lot.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Mr. Haberman said there is a legitimate hardship, they are staying within the existing setback lines and the percentage increases they are asking for are minor. Ms. Seltzer added the lot is smaller than that of the neighbors so she had no problem with it.

Mr. Haberman made a motion to approve with Ms. Seltzer seconding. The hardship is the size of the lot. The motion carried unanimously with Ms. Seltzer, Messrs. Haberman, Tuozzola, Nichol and Katen voting.

4. **81 Milford Point Road cor. Sand Street** (Zone R-7.5) Brett Howell, owner – request to vary Sec. 3.1.4.1 front yard setback from 20' to 10' and vary Sec. 4.1.4 Projections from 2' to 5.33' to construct new single family dwelling with front porch and stairs, includes eave (Sand Street). CAM required. Map 6, Block 84, Parcel 23.

Brett Howell, 81 Milford Point Road, told the Board he is asking for a variance to add extra steps that were not included in the original variance application.

Chrmn. Katen confirmed with Ms. Harrigan the applicant already has a variance for the house and this variance is to just add the steps to which Ms. Harrigan said that was correct. She added that while reviewing the previous approval, she found that the wording of the original variance application was in error and did not match what the plans were depicting. The wording on this application is consistent with the plans.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Mr. Haberman made a motion to approve with Mr. Tuozzola seconding. The reason for approval is this variance was granted previously and there are no significant changes. The motion carried unanimously with Ms. Seltzer, Messrs. Tuozzola, Haberman, Nichol and Katen voting.

5. **265 Housatonic Drive cor. Sailor's Lane** (Zone R-10) Linda Mossorofo, owner – request to vary Sec. 3.1.4.1 to 5.5' in lieu of 25' rear yard required and 20' in lieu of 25' front yard required (both to eaves) to allow for expansion of bedroom and sunporch. CAM required. Map 11, Block 17, Parcel 4.

Chrmn. Katen recused himself and explained that because there now were only four Board members, the applicant would need a unanimous vote in order for the application to pass.

Mr. Haberman added the applicant also had the option not to be heard tonight but to be heard at next month's meeting.

Linda Mossorofo, 265 Housatonic Drive, said she would go forward. She would like to enlarge her bedroom and sunroom and passed out photos to the Board. She said her hardship is she is located on a corner lot and has two front yards. The lot is undersized and her house is situated on an angle on the lot. The bedroom would be extended, if approved, by three feet. The whole addition would be approximately 156 sq. ft. She informed the Board there was a letter of support in the file.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Chrmn. Haberman said it was a small addition and there were hardships. Mr. Tuozzola added he had no problem with the request because the corner of the addition would be 5' from the property line.

Mr. Tuozzola made a motion to approve with Mr. Nichol seconding. The hardship is it is a corner lot and there was no opposition from the neighbor as to it being too close to the property line. The motion carried unanimously with Ms. Seltzer, Messrs. Tuozzola, Nichol and Haberman voting.

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

E. STAFF UPDATE

F. ACCEPTANCE OF MINUTES FROM JANUARY 12, 2010 MEETING.

The minutes were approved unanimously.

G. ACCEPTANCE OF APPLICATIONS FOR MARCH 9, 2010 MEETING.

The meeting was adjourned at 7:54 p.m.

Attest:

Rose M. Elliott
Clerk - ZBA