

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 February 2016

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 9 February 2016, beginning at 7:00 p.m. in **CITY HALL AUDITORIUM, 110 RIVER STREET**, Milford, CT, 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: Joseph Tuozzola (Ch), Sarah Ferrante, William Soda

ALTERNATES PRESENT: Gary Dubois, Robert Thomas

MEMBERS/ALTERNATES ABSENT: Alison Egelson, Howard Haberman (Sec), John Vaccino

STAFF PRESENT: Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk

Mr. Tuozzola called the meeting to order at 7:00 p.m. Ms. Ferrante acted as Secretary in Mr. Haberman's absence, with Mr. Dubois voting as the 5th board member. Mr. Tuozzola asked Mr. Thomas to vote in Mr. Vaccino's stead. Mr. Tuozzola asked for conflicts of interest for board members with any agenda items; none were raised.

B. CONSIDERATION OF AGENDA ITEMS

1. **49 Bedford Avenue** (R-12.5) Patrick Thompson and Karen Thompson, owners; Sec. 3.1.4.1 front-ym setback to 19.47' where 25' req for 12'x20' addition; Map 45, Block 507, Parcel 1

Mr. and Ms. Thompson addressed the board. Ms. Thompson stated that the plan was to properly finish an existing 10'x20' screened-in porch with a roof deck which is currently in an unsafe condition. She described the proposed addition, saying the enlargement was modest.

DISCUSSION

Mr. Tuozzola confirmed that only one setback was needed, that there was no foundation now, but that a foundation would be created. Ms. Thompson said. Ms. Ferrante confirmed that the porch was already in the setback. Mr. Soda asked for the hardship. Mr. Thompson said that when purchasing the house, conflicting plot plans on file confused them about the size of the front yard so they originally thought no variance would be needed to build the addition.

FAVOR

Bill Cagginello, Homestead Construction, Milford, said he was to be the contractor. He confirmed confusion about the depth of the lot. He said the house couldn't support a simpler expansion.

DISCUSSION

Mr. Soda asked about the size of the expansion.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Ms. Ferrante** said she had difficulty denying if the city's records were ambiguous. **Mr. Thomas** was concerned by expansion of an existing nonconformity.

Ms. Ferrante motioned in favor of application. **Mr. Thompson** seconded. **Mr. Ferrante** supported his motion by reason of hardship of the placement of the house, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Thomas** and **Tuozzola** voting **with the motion**.

2. **16 Rogers Avenue** (R-12.5) Ron D'Aurelio, architect, for Kathleen Callahan Rotondo and Marc Rotondo., owners; Sec. 3.1.4.1 south side-ym setback to 7' where 10' req, north side-ym setback to 7' where 10' req; 4.1.4 south side-ym eave

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 February 2016

proj. to 6' where 8' perm, north side-yd deck proj to 6' where 8' perm, north side-yd windowseat proj to 7' where 8' perm; Map 44, Block 409, Parcel 7

Mr. D'Aurelio, 69 Sassacus Drive, addressed the board. He stated that the hardship was a nonconforming lot. He said the home was formerly 2-family and would be converted to a single family dwelling. He described the changes to the property. He said the garage width was the standard minimum width. He said a bay window would be removed to keep the garage closer to the house. He described additional storage and the addition of a mud room, the side modifications, and the extension of the rear deck to take advantage of the harbor view.

DISCUSSION

Mr. Tuozzola confirmed the width of the home with the new features and that the 2-family status would be changed to 1-family. **Mr. Soda** confirmed that the stated hardship was a non-conforming lot. **Ms. Ferrante** confirmed the measurement of the exterior stair projection. **Mr. D'Aurelio** shared a photograph.

FAVOR

Ray Daneault, 23 Rogers Ave, expressed his support via an email read by Mr. D'Aurelio. Mr. Daneault said had been impressed with how this family improved another property.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Mr. Tuozzola** expressed a reservation about the rear deck. **Mr. Soda** confirmed with Mr. Harris that the board could choose to approve only a portion of the proposal.

Mr. Soda motioned in favor of granting the 2 side-yard variances [*Sec. 3.1.4.1 south side-yd setback to 7' where 10' req, north side-yd setback to 7' where 10' req*] while denying the window seat and rear deck requests [*4.1.4 south side-yd eave proj. to 6' where 8' perm, north side-yd deck proj to 6' where 8' perm, north side-yd windowseat proj to 7' where 8' perm*]. **Ms. Ferrante** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Thomas** and **Tuozzola** voting **with the motion**.

3. **0 Westmoor Road** (R-12.5) Thomas Lynch, Esq., attorney, for Sharlene Adams, owner; Sec. 2.5.5 vary to allow private driveway to access lots certified per Sec. 6.4.2 in lieu of municipally acceptable street; Map 30, Block 644, Parcel 5.

Attorney Lynch, Lynch, Trembicki, and Boynton, was presented with information by **Mr. Harris** prior to addressing the board. **Attorney Lynch** reviewed the request and the history of the lots. He stated that they are legal lots. He noted the presence of his client and the proposed developer Pat Devine. He expressed concern that he had not been given advance notice of the information presented by Mr. Harris. He said he wished to open the hearing and asked for a continuance to the March meeting to provide time to meet with Mr. Harris and study the new information.

BOARD DISCUSSION

Mr. Soda motioned in favor of the continuance. **Mr. Ferrante** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Thomas** and **Tuozzola** voting **with the motion**.

4. **245 First Avenue** (R-10) Thomas Lynch, Esq., attorney, for Lawrence Shanbrom, owner; Sec. 3.1.4.1 north side-yd setback to 6.1' where 10' req and 5.3' where 10' req, west front-yd setback to 21.8' where 25' req, south front-yd setback to 17.8' where 25' req, for addition to residence; Map 6, Block 82, Parcel 1.

Attorney Lynch, Lynch, Trembicki, and Boynton, addressed the board. He described the proposed renovations. He said the home had been rented previously, but the owners now wished to occupy it as a primary residence. He noted the

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 February 2016

nonconformity of the lot and the challenge presented by the corner lot. He said the front yard variance entailed a measurement where the deed line was recessed from the paved area, creating a larger virtual space than the setback dictated. He delineated the side and rear yard areas. He reviewed the elevations. He said the lot presented a hardship.

DISCUSSION

Mr. Tuozzola confirmed that the proposed footprint was essentially the same but that more living space would be provided by enclosing a porch. **Attorney Lynch** confirmed that there was more area in the front. **Ms. Ferrante** confirmed the location of the decks. **Mr. Soda** confirmed that the rear decks would be converted to enclosed living space and that there are preexisting steps.

FAVOR

Attorney Lynch said he would submit an email of support from abutting neighbor Denis Garvey.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. After a short discussion, there were no issues in dispute, so he asked for a motion.

Mr. Soda motioned in favor of application. **Ms. Ferrante** seconded. **Mr. Soda** supported his motion by reason of hardship of the corner lot, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Thomas** and **Tuozzola** voting **with the motion**.

B. OLD BUSINESS None.

C. NEW BUSINESS None.

D. STAFF UPDATE Ms. Greene noted Zoning Regulation updates were available.

F. ACCEPTANCE OF MINUTES FROM 12 JANUARY 2016 HEARING were approved unanimously.

G. ACCEPTANCE OF APPLICATIONS FOR 8 MARCH 2016 HEARING Continuance noted.

Mr. Tuozzola noted he would be absent next month and planned to have Mr. Haberman chair the meeting.

The meeting was adjourned at 7:44.

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.**

Attest:

Meg Greene
Clerk, ZBA