

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 8 March 2022

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 8 March 2022, beginning at 7:04 p.m. at City Hall Auditorium, 110 River Street, to hear all parties concerning the following applications, some of which may require Coastal Area Site Plan Reviews or exemptions.

### **A. PLEDGE OF ALLEGIANCE / ROLL CALL**

**Mr. Tuozzola** asked **Mr. Smith** and **Ms. Hirsch** to vote in place of absent board members. As Attorney Russo was delayed, the 2<sup>nd</sup> item on the agenda, which required only a vote, was heard first. **Ms. Ferrante** advised that having missed the presentation for 70 Christine Terrace, she would recuse herself from the item.

**MEMBERS PRESENT:** Sarah Ferrante, William Soda, Joseph Tuozzola (Ch)

**ALTERNATES PRESENT:** Carmina K. Hirsch, Mike Smith

**MEMBERS/ALTERNATES ABSENT:** Gary Dubois, Chris Wolfe

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

### **CONSIDERATION OF AGENDA ITEMS**

1. **70 Christine Terrace** MBP 108/835/40, RA; Chris Russo, Esq., for David Cruz, owner; Vary Sec. 3.1.1.7 and 3.1.1.7(17) to permit accessory apartment on non-conforming lot, allowing lot size of 42,209 sf where 43,560 sf required.

**Ms. Ferrante** read the item and then recused herself.

**Attorney Russo**, Russo & Rizio, LLC, 10 Sasco Hill Road, Fairfield, addressed the board. He briefly reviewed his previous presentation, noting that the board asked that commercial vehicles be removed to address neighbors' concerns. He briefly recapped the challenge of his client's lot being very slightly under an acre, unlike all other lots on the road. He reiterated that the occupant will be a family member. He said there would be no impact on the neighborhood and noted that reauthorization is required to maintain accessory apartments.

**Mr. Soda** said he appreciated the site being cleaned up and had no further issues with the plan. **Mr. Tuozzola** agreed. **Mr. Smith** commented on his experience with and approval of accessory apartments.

### BOARD DISCUSSION

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

**Mr. Soda** motioned to **approve** based on the submitted materials and the size of the lot. **Mr. Smith** seconded. The motion carried with **Ms. Hirsch** and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

2. **102 Melba Street** MBP 29/589/4A; R-5; Chris Russo, Esq., for Jose Tiago, owner; Variance of Sec. 3.1.4.1. of the Zoning Regulations to increase the maximum height in the R-5 Zone from 35' to 38.4' to the main portion of the proposed roof and 46.9' to a proposed roof stairway enclosure and a further variance of Sec. 3.1.4.1 to reduce the minimum side property line setback from 10' to 7.6' to enclose existing access stairwell and entry porch. **(PUBLIC HEARING CLOSED, VOTE ON MARCH 8)**

### DISCUSSION

**Mr. Soda** said he had given the matter a great deal of thought and concluded that to approve the roof variance was to add another floor of living space for most of the year and set a precedent. **Mr. Tuozzola** agreed. **Mr. Soda** asked for clarification about discussing member's voting inclinations. **Mr. Harris** said the members could discuss the merits of the application, but not their voting plans.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in favor of or in opposition to the application; hearing none, closed the hearing and asked for a motion. The board decided to hold 2 separate votes—one for the side-yard variance request, one for the rooftop deck.

**Ms. Hirsch** motioned to approve the exterior stairway enclosure. **Mr. Soda** seconded. The motion carried with **Mss. Ferrante** and **Hirsch** and **Messrs. Smith, Soda,** and **Tuozzola** voting **with the motion**.

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**Ms. Hirsch** then motioned to **approve** rooftop deck only. **Mr. Soda** seconded. The motion was defeated with **Mss. Ferrante** and **Hirsch** and **Messrs. Smith, Soda,** and **Tuozzola** voting **AGAINST** the motion.

- A. NEW BUSINESS** - None
- B. OLD BUSINESS** - None
- C. STAFF UPDATE** – The ZBA rules and procedures “primer” was rescheduled to April.
- D. ACCEPTANCE OF MINUTES FROM 9 FEBRUARY HEARING:** Approved unanimously.
- E. ACCEPTANCE OF APPLICATIONS FOR 12 APRIL 2022 HEARING** –None received as yet.

Adjournment was at **7:23 PM**.

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:

M.E. Greene, Clerk, ZBA