

MEMBERS PRESENT: Fred Katen, Nanci Seltzer, Joseph Tuozzola, Rich Carey

ALTERNATES PRESENT: Bill Evasick

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

The meeting was called to order at 7:04 p.m.

A. CONSIDERATION OF AGENDA ITEMS

1. **63 Lincoln Avenue** (Zone 12.5) Kevin J. Curseaden, attorney, for Richard B. & Carol A. Cammarano, owners – request to vary Sec. 6.4.2 to allow use of non-conforming lot when own adjacent land. CAM required. Map 15, Block 242, Parcel 13B.

Kevin Curseaden, attorney, 26 Cherry Street, told the Board this property is shown as lots #16 & #17 & part of lot #15, on the original subdivision map from 1915. They were separate lots then and he will prove they are still separate lots. Since 1960, there has been a dwelling on lot #16. Both of the lots have been owned by Mr. & Mrs. Cammarano since 1967. This lot became non-conforming when the City of Milford Zoning Regulations were enacted in 1928, and whenever it became classified as being in an R-12.5 zone, when this lot is only 5,000 sq. ft. The rest of the lots in the neighborhood are also only 5,000 sq. ft. lots. Section 6.4.2 of the Zoning Regulations didn't come into effect until 1986. The sidewalk, deck and pool that are located on the vacant lot were constructed in 1971. That is fifteen years prior to the Zoning Regulations being changed, making that their hardship. This change in the regulations is what caused these lots to become merged. There are no other variance requests needed to build a house on this separate lot. Mr. Cammarano never intended for the lots to merge and Atty. Curseaden submitted an affidavit to the Board stating just that. The adoption of the Zoning Regulations and the subsequent adoption of Section 6.4.2 has caused this hardship and made the lot non-conforming.

Chrmn. Katen asked Ms. Harrigan whether or not a house could be built on this lot due to the wetlands on the property.

Ms. Harrigan answered the question before the Board is whether or not you agree with Atty. Curseaden's representation of these merged lots and his clients' hardship. The question of whether or not it is buildable would be the next phase, involving both a CAM application and the Inland Wetlands Dept.

Atty. Curseaden added of all the factors listed under Sec. 6.4.2, the only one they are not in compliance with is the structures on the vacant lot. The fact that these structures were constructed fifteen years before this section was put into the Regulations is their hardship. He added the Inland Wetlands office said they are outside the wetlands boundary.

Ms. Harrigan noted that even if approved here tonight, the applicant might still have to come before this Board for a variance as the exact location of the wetlands boundary needs to be determined by a soil scientist.

Mr. Tuozzola asked if approved, would the lot be used for a family member or sold.

Atty. Curseaden stated the applicants are looking to sell the property.

Ms. Seltzer noted there is a fence all around the property.

Ms. Harrigan answered that maintaining a lot does not merge it. A fence is not one of the factors that considers a lot merged.

Richard Cammarano, told the Board the fence was there when he purchased the property in 1967; the house was built in 1960.

FAVOR:

Toni Heiden, 56 Lincoln Avenue, said she is in favor of the application.

Leon Simmons, Jr., 62 Lincoln Avenue, also in favor of the application.

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

DISCUSSION:

Ms. Seltzer said it is a merged lot with a detached deck. The property was used in its entirety. Chrmn. Katen agreed the lots are merged but didn't feel they were done intentionally. Mr. Carey said everyone agrees the lots have been merged, including the attorney. The argument is that it was merged prior to Sec. 6.4.2 being added to the Regulations.

Ms. Seltzer made a motion to deny with Mr. Carey seconding. Whether done intentionally or not, these lots have been merged through use. The motion carried unanimously with Ms. Seltzer, Messrs. Tuozzola, Carey, Evasick and Katen voting.

2. **70 Waverly Avenue** (Zone R-5) Louis Reszoly, appellant, for Linda M. Lambert, owner – request to vary Sec. 6.2.1 to allow expansion of an existing 2 family house with an attached two car garage with 2nd story workshop. CAM required. Map 23, Block 362, Parcel 8.

Louis Reszoly, 5 Bridle Path Trail, Newtown, said his clients are looking to remove an existing garage and construct an attached garage with room above for storage and a workshop. No variances for setbacks are required and lot coverage would be decreased by 10 sq. ft. If approved, the garage would allow off-street parking to increase from two to four spaces. The removal of the existing garage would esthetically improve the property from the street and would create more of a functional yard area. The neighbors are in favor of it.

Ms. Harrigan clarified the existing garage is an accessory structure. The proposed addition to the home increases the non-conformity of the two family use in a single family residential zone. She added the Zoning Board of Appeals approved a variance in 1946 to allow this two family dwelling.

Mr. Tuozzola asked if there was access to the garage from the house to which Mr. Reszoly said that was correct.

Ms. Seltzer asked about the floor surface of the garage once the garage was removed.

Mr. Reszoly said the slab would be removed along with the footings and part of that area would be reclaimed as lawn and the minimal amount of parking needed for the additional two off-street parking spaces would be a gravel based product.

Mr. Evasick asked what the elevation of the garage would be and if there would be any access from the second floor of the garage to the existing dwelling.

Mr. Reszoly answered it would be matched ridge for ridge which is approximately 30' to the top. The second floor of the house would have a full walk out into the second story storage area of the garage. Egress would be via a staircase going down to the slab level and then out the side door.

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

DISCUSSION:

Mr. Tuozzola made a motion to approve with Mr. Carey seconding. The reason for approval is this addition would be a good fit with the existing dwelling and there are no other variances required. The motion carried unanimously with Ms. Seltzer, Messrs. Tuozzola, Carey, Evasick and Katen voting.

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

1. **32 Milford Point Road** – letter received from Patrick Devine, appellant, for LNP, LLC, owner, for an extension of time (1st).

Mr. Carey made a motion to approve an extension of time for one year and was approved unanimously.

2. **112 Beach Avenue** – letter received from Atty. George W. Adams, attorney, for Judith Schubert, Trustee, owner, for an extension of time (1st).

Mr. Carey made a motion to approve an extension of time for one year and was approved unanimously.

E. STAFF UPDATE

F. ACCEPTANCE OF MINUTES FROM FEBRUARY 9, 2010 MEETING.

The minutes were approved unanimously.

G. ACCEPTANCE OF APPLICATIONS FOR APRIL 13, 2010 MEETING.

The meeting was adjourned at 7:43 p.m.

Attest:

Rose M. Elliott
Clerk - ZBA