

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 09 April 2024

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 9 April 2024, beginning at 7:00 p.m., 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

Ms. Ferrante noted the excused absences of Ms. Hirsch and Mr. Einig and welcomed the appointment of the latter as a new alternate member even though he was unable to attend the meeting. She then said that an inaccuracy in a recent presentation had come to her attention and emphasized that applicants should always present factual information to the board and that it is acceptable for an applicant not to have an immediate answer. She advised that Item 6, 624-626 Gulf Street, had been postponed per request of the applicant.

MEMBERS PRESENT: Andy King, Gary Montano, William Soda, Chris Wolfe, Sarah Ferrante (Ch)

ALTERNATES PRESENT: Gary Dubois

MEMBERS/ALTERNATES ABSENT: Jeff Einig, Carmina Hirsch

STAFF PRESENT: David Sulkis, City Planner; Meg Greene, Clerk

CONSIDERATION OF AGENDA ITEMS

59 Hillside Avenue MBP 49/724/2; R-5; Nick Aquilina, owner; Vary sec. 4.1.7.3 for fence abutting Long Island Sound; survey by Codespoti & Associates, 01/25/22.

Mr. Aquilina and **Denise Aquilina**, 59 Hillside Avenue, addressed the board. Mr. Aquilina described the process of removing a prior fence and his frustration that he was not given permission to replace it with a new, stronger fence to prevent trespassing, property damage, and personal injury hazards due to his home's proximity to an adjacent park. **Ms. Ferrante** asked for details about the length and placement of the previous fence. **Mr. Aquilina** said that a previous concrete barrier had been demolished and also denied replacement. **Mr. Soda** established that the old fence was removed but not yet replaced and that the new fence would be positioned closer to the house because the old fence was not on his property. **Mr. Montano** ascertained that the height would be 4' or less. **Mr. King** verified that no restriction currently prevented trespass by people in the park. **Ms. Aquilina** said that unleashed dogs in the park come onto their property and that they are worried about their own dogs being harmed.

Ms. Ferrante asked if anyone wished to speak in favor of the application.

FAVOR

Darryl Arnette, 67 Hillside Avenue, said he approved of the work the Aquilinas had done on the house over the past 3 years as they dealt with what had been done there for the 20-30 years prior. He said most houses in the area have a low wall from the backs of the houses to the sea wall. He said he has seen children running from the park into the backyard of 59 Hillside.

Ms. Ferrante asked if anyone wished to speak in opposition to the application; hearing none, she closed the hearing and asked for a motion.

Mr. Soda moved to approve as presented the petition of Nick Aquilina, owner; Vary sec. 4.1.7.3 for fence abutting Long Island Sound; survey by Codespoti & Associates, 01/25/22.

Mr. Montano seconded.

Discussion: **Mr. Soda** said he knows of houses in the area having fences. **Ms. Ferrante** raised a concern about the lack of approvals. **Mr. Soda** noted that the fence was basically a replacement for the one in the playground. **Mr. King** expressed concern that next door playground could create a liability issue for the homeowner.

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

33 West Orland Street MBP 38/561/28; R-5; Thomas Lynch, attorney, for David Culhane, owner; Vary sec. 3.1.4.1 side yard (east) from 4' req. to 1.43' provided; rear yard from 5' req. to 0.4' provided; lot coverage from 65% max. to 70.8% proposed; building coverage from 45% max. to 48.2% proposed to construct new detached garage; survey by CCG Civil Group, LLC, 3/14/24.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 09 April 2024

Attorney Lynch, 63 Cherry Street, addressed the board. He introduced his client and described the request to vary side- and rear-yard setbacks and coverages. He described the property, saying it was built in 1925 on a very narrow lot, which constituted part of the hardship. He said an addition was built in 2003 without the need for a variance, but that the addition created a nonconformity with lot coverage. He said the current goal was to build a slightly larger garage. He referenced an earlier variance request that was denied without prejudice, stressing that this request was different and that the new garage will conform to the zoning regulation's 15' height limit. He said the existing house has very little storage space so the area above the 2-car garage will be an unfinished storage loft. He said a hardship exists and the reduction in nonconformities and that these two things combined merit an approval. **Ms. Ferrante** confirmed the increase to the garage. **Mr. Montano** verified that there was no basement for storage except for a small crawl space created with the 2003 addition, but that the crawl space is not useful for storage. **Mr. Soda** noted that the new request had a lowered height.

PUBLIC COMMENT

Attorney Lynch noted letters 4 letters in favor from Susan and Gene Ubinati, 40 West Orland, Pamela Savoca, 31 West Orland, Lee Bain, 39 West Orland, and Maureen Morris, 37 West Orland. He also reported a verbal approval from the neighbors on 12 Daggett Street.

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

Mr. Soda motioned to **approve as presented the petition of** Thomas Lynch, attorney, for David Culhane, owner to vary sec. 3.1.4.1 side yard (east) from 4' req. to 1.43' provided; rear yard from 5' req. to 0.4' provided; lot coverage from 65% max. to 70.8% proposed; building coverage from 45% max. to 48.2% proposed to construct new detached garage; survey by CCG Civil Group, LLC, 3/14/24.

Mr. Montano seconded.

Discussion: **Ms. Ferrante**, **Mr. Soda**, and **Mr. Wolfe** all expressed appreciation for the reduction in ask.

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

12 Wayne Road, corner Wendy Road 103/702/1; R-12.5; Warner Rodrigues, owner; Vary Section 4.1.1.1 to locate accessory structure in required front yard, survey by CT Land Surveying, LLC, rev. 1/4/23.

Warner Rodrigues and Katie Haggens-Rodrigues, 12 Wayne Road, addressed the board. **Mr. Rodrigues** described the hardship as water retention problems on the lot, necessitating that the shed be placed in a drier area. He said the property is at the bottom of a hill and that a similar variance was granted in 1968 for a garage. **Mr. King** confirmed that the shed would be placed behind a line of trees and that the trees would remain. He asked if the neighbors at 15 Wendy were supportive; **Mr. Rodrigues** said they had not written in support but were not objecting. He stressed that the variances for the garage and shed were similar.

Ms. Ferrante asked if anyone wished to speak in favor. **Ms. Greene** stated 3 emails in support of the project had been received. There were no comments given in opposition to the application, so **Ms. Ferrante** closed the hearing and asked for a motion.

Mr. Soda motioned to **approve as presented** the petition of Warner Rodriguez, owner; Vary Section 4.1.1.1 to locate accessory structure in required front yard, survey by CT Land Surveying, LLC, rev. 1/4/23.

Mr. Montano seconded.

Discussion: **Mr. Soda** noted that the project used the same setback as previous variance. Mr. King said he liked the shed being shielded by a stand of trees. **Ms. Ferrante** appreciated the hardship of drainage with the lot being uniquely positioned. The motion carried with **Ms. Ferrante** and **Messrs. King, Montano, Soda, and Wolfe** voting **with the motion**.

256 Cherry Street, MBP 66/825/60A; CDD-1; Team Bethany Vets, LLC, owner; Vary Sec 5.1.4. figure 4, subsection 18, which requires 1 parking space for every 250 sf of building; for 24 parking spaces where 25 required; survey by D. A. Deilus, 6/27/95.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 09 April 2024

Dr. Jeffrey Sachar, 280 Amity Road, Bethany, addressed the board. He described the need to add a vestibule to the rear of the building. He said it was used as a staff entrance but is also a place where treatments occur. He said lots of activity occurs in that part of the building and staffers want to prevent animals accidentally running out the back door. He said there are also kennels near the door so the area can get drafty. He said the vestibule would be about the same size as the current parking spot. He noted that the practice has existed for over 75 years but moved to the new building at 256 Cherry Street in 1995. **Mr. Soda** asked about usage of the parking lot. **Dr. Sachar** said the back area was not usually full so there would not be a significant impact on parking capacity. **Mr. King** asked to be assured that the vestibule won't exceed one parking spot. **Mr. Wolfe** asked about the driveway entrance and exit.

Ms. Ferrante asked if anyone wished to speak in favor of the application.

FAVOR

Amanda Clarke, 58 Canterbury Lane, said she had used Milford Animal Hospital for many years and that she never had trouble parking in the lot. She said parking is managed efficiently using texts.

Ms. Ferrante asked if anyone wished to speak in opposition to the application; hearing none, she closed the hearing and asked for a motion.

Mr. Soda motioned to **approve with the following modification** the petition of Team Bethany Vets, LLC, owner; Vary Sec 5.1.4. figure 4, subsection 18, which requires 1 parking space for every 250sf of building; for 24 parking spaces where 25 required; survey by D. A. Deilus, 6/27/95.

Condition: Area for vestibule limited to one parking space only.

Mr. Montano seconded.

Discussion: **Messrs. King, Soda, and Wolfe** agreed this was a safer arrangement for dogs being crated in the vestibule area. The motion carried with **Ms. Ferrante and Messrs. King, Montano, Soda, and Wolfe** voting **with the motion**.

5 Beach Avenue, MBP 82/784/6; R-12.5; Real Estate Acquisition Portfolio, LLC, owner; Vary sec. 4.1.7.3 for fence abutting Long Island Sound; survey by Flanagan Surveying and Mapping, 03/11/24.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He introduced Wes Hanscombe from the project team. He provided handouts. He said the request was for a 2–3-foot wall. He said the application was originally filed for a fence, but the actual goal was to build a wall that would match the existing foundation. He submitted photos of the wall. He described the lot, saying it was created prior to Milford's Zoning Regulations, and discussed its history. He said that the usable portion of the lot consisted of about 8400 sf. He said he had represented the client previously when a detached garage in the front yard was attached to the main house and that approval had been conditioned on not exceeding a 1-story garage, which has been respected. He described a right-of-way on the side of the property creating 2 front yards. He said some plantings had encroached and been removed from the right-of-way and that the owner subsequently had requested and been denied permission from the borough of Woodmont to put new planting on the borough property. He stressed that the property abutted a public ROW with no real privacy. He referenced the similarity to the argument made by 59 Hillside earlier. He said the stone walls on either side of the lot would run out to the sea wall. He said the legal hardship is the lot's proximity to a right-of-way creating a lack of privacy and that there are neighboring fences much taller than what's being proposed. He said an additional hardship is the size of lot and that given the lot's proximity to LI Sound most lots in the 12.5 zone are allowed a privacy fence. **Mr. Soda** verified that the wall's footing will be on the property line. **Ms. Ferrante** noted a hedge on the west side of the lot and **Attorney Curseaden** said the same regulation that applies to fences also applies to shrubs. Discussion ensued on the remaining plantings. **Mr. Sulkis** asked for clarification of the photo submitted; **Attorney Curseaden** said it was to give an impression of what the wall would look like.

Ms. Ferrante asked if anyone wished to speak in favor of the application.

FAVOR

Ed Bonessi, 83 Beach Ave, of the Woodmont Wardens and Burgesses, described the petition to the Borough and its outcome. He said he was in favor of 2'-3' wall.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 09 April 2024

QUESTION

Jerry Fiorentino, 11 Spencer Street, asked what would happen to the old sea wall. **Attorney Curseaden** said there were no plans for the sea wall and if there were, they would require a Special Permit. **Ms. Ferrante** stressed that the only issue before the board tonight was the wall. Nothing will happen to it. **Jerry Fiorentino** asked if there would be shrubs between the wall and house; **Attorney Curseaden** said there was no proposed shrubbery, but if there had been, the same variance was needed.

Mr. Soda confirmed that both sides of the wall would be stone-faced. **Mr. King** asked about the maximum wall height and **Mr. Sulkis** advised that any proposed wall must meet building and flood requirements and not become an obstruction to flow, but this would be determined by the flood plan administrator during the permit application process. He told the board that a condition can be imposed if the variance was granted to limit the wall to 3'. **Attorney Curseaden** reviewed the history of fence regulation as he recalled it evolving in the early 2000s.

Wesley Hanscombe, 3 Fairwood Road, Bethany, landscape designer, addressed the existing hedges with **Ms. Ferrante**.

Ms. Ferrante asked if anyone wished to speak in opposition to the application; hearing none, she closed the hearing and asked for a motion.

Mr. Soda motioned to **approve with the following modification the petition of** Real Estate Acquisition Portfolio, LLC, owner to vary sec. 4.1.7.3 for fence abutting Long Island Sound; survey by Flanagan Surveying and Mapping, 03/11/24.

Condition: Limited to a 3' wall, if allowed, or a 3' fence.

Mr. Montano seconded.

Discussion: **Messrs. Soda and Wolfe** approved of the project if a height restriction was added. **Ms. Ferrante** noted the approval of the borough.

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

531 Welchs Point Road, MBP 47/533/24G; R-12.5; Amanda and Brian Clarke, owners; Vary sec. 3.1.4.1 front-yard setback to 23.5' where 30' required for wheelchair ramp and porch; survey by Codespoti & Associates, 01/25/24.

Ms. Clarke, 58 Canterbury Lane, addressed the board. She said she and her husband bought the property for her aunt and uncle who are her *de facto* parents and very close to her family. She said she was worried about accessibility problems for them as they age and although it is a one-level ranch, the house currently has 3 steps to the front door. She said she would like to add a ramp and small porch using a design intended to be functional while still adding to the curb appeal of the house.

Ms. Ferrante verified that the ramp would be closer, but not by much, to the lot line than the current sidewalk. **Ms. Clarke** said a couple of steps will remain to accept deliveries. **Mr. King** asked if there was to be a roof over the ramp; **Ms. Clarke** said she declined to add one to increase the likelihood of an approval. She added that the ramp would be permanent with a longer-term plan that might include her husband and her eventually occupying the home.

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

Mr. Soda motioned to **approve as presented the petition of** Amanda and Brian Clarke, owners to vary sec. 3.1.4.1 front-yard setback to 23.5' where 30' required for wheelchair ramp and porch; survey by Codespoti & Associates, 01/25/24.

Mr. Montano seconded.

Discussion: **Ms. Ferrante** commented that there is already a projection and the proposal is modest.

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

624-626 Gulf Street, MBP 28/520/26 B; R-18; Kevin Curseaden, Esq., for William Platt & Laura Pinciario, owners; Vary Sections 3.1.4.1 & 4.1.1.3 to allow accessory structure height of 22.9' where 15' allowed; vary section 3.1.3.7 for accessory structure exceeding maximum number of spaces; for car barn/garage with storage; survey by Milone & Macbroom, plan set by Jones, Byrne, Margeotes Partners, 12/18/23. **POSTPONED**

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 09 April 2024

- A. NEW BUSINESS –Ms. Ferrante** said she would find out if a training session could be organized on voting, process and procedure given that there are 2 new members on the board.
- B. OLD BUSINESS**
- C. STAFF UPDATE** The board expressed appreciation for **City Planner Sulkis’s** support in Mr. Harris’s absence.
- D. ACCEPTANCE OF MINUTES FROM 12 MARCH 2024 HEARING** were approved unanimously.
- E. ACCEPTANCE OF APPLICATIONS FOR 14 MAY 2024 HEARING**

Adjournment was at **8:38 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