

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 May 2017

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 9 May 2017, 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

Mr. Tuozzola called the meeting to order at 7:00 p.m. He announced that requests were received that Items 2 and 5 be heard at the June meeting. He asked Mr. Dubois to vote in place of Mr. Gettinger. He asked for conflicts of interest for board members with any agenda items; none were raised.

MEMBERS PRESENT: Joseph Tuozzola (Ch), John Vaccino (Sec), William Soda, Sarah Ferrante

ALTERNATES PRESENT: Gary Dubois

MEMBERS/ALTERNATES ABSENT: Benjamin Gettinger, Jeanne Huber-Happy

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

B. CONSIDERATION OF AGENDA ITEMS

1. **34 Hillside Avenue (MBP: 49/717/6)** R-5. James D'Amato, agent for White Oaks Terrace, LLC, owner; Vary Sec. 3.1.4.1 front-ym setback to 7.3' where 10' req., side-ym setback to 2.8' where 5' req.

Mr. D'Amato, 183 Quarry Rd, addressed the board. He described the variances requested. He said the hardship was the narrowness of the lot. He indicated that his surveyor, Andy Flanagan, was present for questions.

DISCUSSION

Mr. Tuozzola confirmed which streets had requests for which variances.

Mr. Flanagan, 1460 New Haven Avenue, discussed the size and placement of the current house versus the planned house.

Mr. Vaccino asked if off-street parking would be possible without the variance.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application. Hearing none, he closed the hearing. **Ms. Ferrante** and **Mr. Vaccino** expressed ambivalence, but **Mr. Soda** said he was convinced the narrow lot did in fact present a hardship.

Mr. Soda motioned to **approve**. **Mr. Ferrante** seconded. **Mr. Soda** supported his motion by reason of hardship of the narrowness of the lot, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Vaccino**, and **Tuozzola** voting **with the motion**.

2. **36 Roselle Street (MBP: 43/304/62)** CDD-1. Peter Stark, Esq., for Marilyn Drew, owner; Sec. 9.2.1: Appeal the Decision of the Zoning Enforcement Officer regarding a Cease and Desist Order dated 1 February 2017.

Mr. Vaccino opened the item. **Mr. Tuozzola** held the meeting open to the June hearing.

3. **3 Clinton Street (MBP: 71/756/5)** R- 7.5. Scott Mundy, agent for Kathy Walker, owner; Vary Sec. 3.1.4.1 rear-ym setback to 3.1' where 20' req., side-ym setback to 3.1' where 5' req., front-ym setback to 17.9' where 20' req.; 6.3.2

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 May 2017

to expand a non-conforming structure; all to build addition

Mr. Mundy, 3100 Pepes Farm Road, briefly reviewed the project.

DISCUSSION

Mr. Tuozzola asked about a shed that is partially on the neighbor's lot. **Mr. Soda** asked for clarification of the location of the addition; **Mr. Harris** showed him on a full-sized survey. **Mr. Soda** clarified that the addition would have a garage underneath. **Ms. Ferrante** asked for the hardship, which **Mr. Mundy** said was the undersized, nonconforming lot. **Mr. Soda** expressed reservations about the size of the addition since there were no elevations or specific use plans for the project. **Mr. Mundy** indicated that the actual addition might be smaller than the requested footprint.

FAVOR

Mr. Mundy submitted several letters of support from neighbors and the Borough of Woodmont.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Ms. Ferrante** and **Mr. Soda** said a specific use, elevations, and floor plans would be necessary to properly evaluate the request, given how large the addition was relative to the existing house.

Mr. Soda motioned to **deny without prejudice**. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of hardship of, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Vaccino**, and **Tuozzola** voting **with the motion**.

4. **50 Bray Avenue (MBP: 15/43/8)** R-10. Thomas Lynch, attorney, for Baham Investments, LLC, owner; Vary Sec. 3.1.4.1: front-ym setback to 19.5' where 25' req., rear-ym setback to 20' where 25' required; 4.1.4: front-ym proj. to 18.5' where 21' permitted, rear-ym proj. to 19' where 21' permitted.

Attorney Lynch, 63 Cherry St, addressed the board. He noted the presence of Buddy Field, a local homebuilder. Attorney Lynch described the project and the creation of the lot via Section 6.4.2. **Mr. Field** distributed a packet with detail on the proposed house at a standard size 25' by 50' three-bedroom colonial. **Attorney Lynch** reviewed the contents of the packet and said the hardship was the nonconforming corner lot.

DISCUSSION

Mr. Tuozzola confirmed that the house is 2 stories high with 2100 sf of living space.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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 to **approve**. **Mr. Vaccino** 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, Vaccino**, and **Tuozzola** voting **with the motion**.

5. **212 Honeycomb Lane (MBP: 119/904/2)** R-A. Thomas Lynch, attorney, for Li Meng, owner; Sec. 9.2.1: Appeal the Decision of the Zoning Enforcement Officer regarding a Cease and Desist Order dated 3 April 2017.

This item was postponed until the next ZBA meeting.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 May 2017

- B. OLD BUSINESS**-None
- C. NEW BUSINESS**-None
- D. STAFF UPDATE**-Mr. Harris advised the board that P&Z Administrative Assistant Phyllis Leggett is retiring.
- F. ACCEPTANCE OF MINUTES FROM 12 APRIL 2017 HEARING**; Minutes were approved and February as corrected.
- G. ACCEPTANCE OF APPLICATIONS FOR 13 JUNE 2017 HEARING**.

An adjournment vote was taken at 7:27 PM, but the meeting was reopened to add **31 Eastern Steel Road** as an administrative item to the agenda by 2/3rds vote of the board. **Mr. Soda** motioned to add the item; **Ms. Ferrante** seconded; the motion to add an administrative session passed unanimously. **Mr. Harris** said the ZBA would not be acting in its usual capacity, but rather acting in its capacity as an agent of the state, per statute. Mr. Harris said he received a request to certify an approval of location for an auto repair business, which is already a use allowed by Special Permit in the ID zone. He said the board would only be voting to approve the location. **Mr. Soda** motioned to approve the use; **Ms. Ferrante** seconded, and the motion passed unanimously. The meeting was adjourned at 7:35.

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