

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 May 2015**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 12 May 2015, 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), Howard Haberman (Sec), Sarah Ferrante, William Soda, John Vaccino

**ALTERNATES PRESENT:** Alison Rose Egelson, Gary Dubois, Robert Thomas

**MEMBERS/ALTERNATES ABSENT:**

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

**Mr. Tuozzola** called the meeting to order at 7:00 p.m. He asked for conflicts of interest for board members with any agenda items; none were raised. **Mr. Tuozzola** advised that 106 Merwin Ave had been withdrawn from the agenda.

### **B. CONSIDERATION OF AGENDA ITEMS**

1. 106 Merwin Ave (R-7.5) Christopher Smith, Esq., Attorney, for John Walsh and Lisa Walsh, owners; Sec. 9.2.1 Appeal the Decision of the ZEO, dated 2 April 2015, concerning 106 Merwin Ave; Map 59, Block 737, Parcel 13A.

#### **WITHDRAWN**

2. 1 Oakland Ave corner at 195 Welchs Point Rd (R-5) Oakland 1, LLC, owner; Vary Sec. 6.2.1 nonconforming use and 6.3.2 nonconforming structure to enlarge dwelling at 195 Welchs Point Rd, which is a 2<sup>nd</sup> dwelling on a lot where only 1 dwelling is allowed; 3.1.4.1 side-yd setback to 4.7' where 5' req to erect 2<sup>nd</sup> fl with 2-story addition; Map 28, Block 570, Parcel 11A.

**Mr. Crabtree**, 64 Stanley St, New Haven, addressed the board. He stated that there were 2 dwellings on a single lot and that the application would not affect 1 Oakland Ave. He said the nonconformities of these 2 older structures on the lot predated zoning regulations. He described the project and said the setback variance requested was small. He referenced the existing nonconformity of the second house on the lot. He described the floor plan and exterior aesthetic improvements. He noted that only #195 faced Welchs Point Road, as the other homes on the street face side streets. **Mr. Crabtree** passed out photographs to illustrate his talking points. He said there were very few neighbors to be affected.

### **DISCUSSION**

**Mr. Soda** asked **Mr. Crabtree** to describe the hardship. **Mr. Crabtree** said the existing houses predate zoning. **Mr. Tuozzola** asked about the comparative size of the proposed versus existing house and expressed concern about increased density. He underscored the board's reluctance to approve such increased density requests. **Mr. Crabtree** said 2 notices were posted on the property but the density would be the same because 2 houses would continue to occupy the lot. **Mr. Tuozzola** asked historical questions about the properties. **Mr. Haberman** agreed that the requested setback variance was small, but felt troubled by increasing the nonconforming use of the lot. **Ms. Ferrante** asked why the footprint couldn't be reduced. **Mr. Crabtree** said the architectural aesthetic would suffer. **Mr. Vaccino** asked about the current use of the property. **Mr. Crabtree** said the owner would likely move into one, but that both are rentals now. He noted that the plan adds parking. **Mr. Soda** expressed concern about the width of the driveway and felt it would be constricted by the addition to the house. **Mr. Crabtree** reiterated that the project would improve the appearance of the house.

**Mr. Tuozzola** asked if anyone wished to speak in favor of or opposition to the application.

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### **OPPOSITION**

**Attorney John Barone** said he represented Lauren Julian, 7 Oakland Avenue. He said flaws in the application were obvious and that no hardship had been defined.

**Lauren Julian**, 7 Oakland Avenue, said her neighbors told her that the 2<sup>nd</sup> structure was originally a garage. She noted there is a curve in the road that is difficult to negotiate now. She stated that she felt visibility would be impaired and safety compromised. She was concerned about any other potential changes like trees being removed.

### **REBUTTAL**

**Mr. Crabtree** said the parking issue pertained to Oakland Avenue as a whole, not the subject property. He said the trees were being removed by the utility company and had nothing to do with the project. **Mr. Tuozzola** closed the hearing.

### **BOARD DISCUSSION**

**Mr. Tuozzola** reiterated that the issue at hand was one of density. **Mr. Soda** said he did not feel a hardship was demonstrated. **Mr. Haberman** said people have a right to have what they have, but increasing the footprint was not part of that right. **Mr. Soda** and **Ms. Ferrante** said when the property was purchased and the owners were aware of the constraints it presented. **Mr. Vaccino** added his concerns about an increased nonconformity would be unfair.

**Mr. Soda** motioned to deny application. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of not having proven a hardship. The motion carried with **Ms. Ferrante** and **Messrs. Haberman, Soda, Vaccino** and **Tuozzola** voting **with the motion**.

### **B. OLD BUSINESS: CORRECTION OF MINUTES FROM 10 FEBRUARY 2015 HEARING**

**Mr. Tuozzola** asked **Ms. Greene** to describe a scrivener's error that required a vote to amend. She did and **Mr. Soda** made the corrective motion, which passed unanimously.

### **C. NEW BUSINESS**

### **D. STAFF UPDATE**

### **F. ACCEPTANCE OF MINUTES FROM 14 APRIL 2015 HEARING**

### **G. ACCEPTANCE OF APPLICATIONS FOR 9 JUNE 2015 HEARING**

The meeting was adjourned at 7:31 p.m.

*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