

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 July 2017**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Wednesday, 11 July 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 asked Mr. Dubois to step in for Mr. Gettinger and for conflicts of interest for board members with any agenda items; none were raised.

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

**ALTERNATES PRESENT:** Gary Dubois, Jeanne Huber-Happy

**MEMBERS/ALTERNATES ABSENT:** Benjamin Gettinger

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

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

1. **354 Woodmont Road, Units 7-8 (MBP 91/809/6BC0)** ID. Thomas Lynch, Esq., for Incas Peruvian Restaurant, contract purchaser/Arnold Peck, owner; Vary Sec. 5.5.4.1 to allow restaurant liquor permit location within 1500 ft of existing permit location.

**Attorney Lynch; Lynch, Trembicki, and Boynton, 63 Cherry St**, addressed the board. He introduced the owners of Incas Peruvian Restaurant now located on 333 Naugatuck Avenue, and said his request was one that he had recently presented for other venues. He reviewed the history of the proposed location. He said a gym had previously used the proposed units, but his clients wished to purchase the site for a restaurant use. He said that at the restaurant's current address, the owners received a similar waiver due to proximity to another Naugatuck Avenue restaurant that served liquor. He said the request was for a 2<sup>nd</sup> liquor permit in a shopping center. He said the hardship was in the regulation's lack of differentiation between different types of liquor permits. He noted the seating capacity as being 70 in the current location and would remain the same, but that there would be more storage capacity. He said the restaurant has been in business for 9 successful years. He said the hours of operation would be the same as at their current location.

#### **DISCUSSION**

None.

#### **FAVOR**

**Tim Kron**, 354 Woodmont Rd, said he welcomed this type of potential ownership in the plaza, and welcomed a restaurant with a family-oriented theme. He said he felt it would attract more business to the plaza.

#### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak 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 lack of differentiation between liquor permits. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Vaccino**, and **Tuozzola** voting **with the motion**.

2. **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 16 May 2017.

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 July 2017

**Attorney Lynch** asked that the item be postponed to the 8 August 2017 meeting pending further negotiation.

3. **780 East Broadway (MBP 27/455/2)** R-5. Kevin Curseaden, Esq., for Bernard Koback, LLC, owner; Vary Sec. 3.1.4.1 east side-yd setback to 5' where 10' req., rear-yd setback to 13.12' where 20' req; 4.1.4 east eave proj to 4' where 8' perm to build single family home.

**Attorney Curseaden**, Carroll, Curseaden, and Moore, 26 Cherry Street, addressed the board. He said the owner was Patrick Fitzpatrick. He submitted the affidavit for the placard. He said the old house was built in the 1920s and non-flood compliant. He said the owner wanted to demolish the existing house and rebuild it with flood mitigation. He described the variance request and said there would be reduced nonconformity. He said the design would add off-street parking with 2 cars underneath and 1 in the driveway and that the shed would be removed. He said the plan was in harmony with the neighborhood and that it was for family with occasional rentals. He said his client was available for questions.

### DISCUSSION

None.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in favor or 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. Vaccino** motioned to **approve**. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the size and width of the lot and reduction in nonconformities, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Vaccino, and Tuozzola** voting **with the motion**.

4. **3 Clinton Street (MBP 71/756/5)** R- 7.5. Scott Mundy, agent for Kathy Walker, owner; Vary Sec. 3.1.4.1, side-yd setback to 3.1' where 5' req, rear-yd setback to 3.1' where 20' req; 6.3.2 to expand a non-conforming structure; all to build addition.

**Ms. Walker**, 3 Clinton Street, addressed the board. She introduced her designer for questions. She said described the project.

**Rich Miller**, 42 Pauline Ave, West Haven, said he had revised the design from previous requests. He asked Mr. Harris for clarification of the setbacks. He referred to letters of support from neighbors and Burrough of Woodmont leadership.

### DISCUSSION

**Mr. Tuozzola** confirmed that the size of the project had been changed. **Mr. Soda** asked if the eave projection should have been included. **Mr. Harris** said the projection request could be added as a condition of a motion.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in favor or 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 on condition that the 2<sup>nd</sup> fl cantilever be reduced to be in line with the 1<sup>st</sup> floor**. **Ms. Ferrante** seconded. **Mr. Soda** supported his motion by reason of the reduced request, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Vaccino, and Tuozzola** voting **with the motion**.

**Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 July 2017**

- B. OLD BUSINESS**-None
- C. NEW BUSINESS**-None
- D. STAFF UPDATE**-None
- F. ACCEPTANCE OF MINUTES** from 13 June 2017 hearing; Minutes were approved with a correction.
- G. ACCEPTANCE OF APPLICATIONS** for 8 August 2017 hearing. Mr. Harris said he expected the Honeycomb matter to be resolved.

Adjournment was at 7:31 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:

Meg Greene  
Clerk, ZBA