

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 July 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 13 July 2021, beginning at 7:00 p.m. at 110 River Street, 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 pm and welcomed the board and members of the public to the first in-person ZBA meeting since the Governor's Executive Order allowed them. He asked Mr. Wolfe to serve as Board Secretary in Ms. Ferrante's absence. He asked Mr. Hirsch and Mr. Dubois to vote in the absence of Ms. Ferrante and Ms. Valiquette.

MEMBERS PRESENT: Chris Wolfe, William Soda, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Gary Dubois, Etan Hirsch

MEMBERS/ALTERNATES ABSENT: Sarah Ferrante, Christine Valiquette, Michael Casey

STAFF PRESENT: Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk; Joseph Griffith, DPLU Director

B. CONSIDERATION OF AGENDA ITEMS

- 1) **1 Seabreeze Avenue** MBP 59/734/1; BD; Peter Massey, agent, for PMDK Group LLC, applicant; Vary 5.5.4.1 to allow a restaurant in a BD zone serving alcohol less than 1500' from another restaurant serving alcohol and 5.5.1.2 to be within 300' of a public park or place of worship or other public assembly.

Mr. Massey addressed the board. He said the hardship was that they were unable to use their property in a manner consistent with other businesses in the area. He asserted that granting the variance would not be detrimental to the public welfare.

Mr. Tuozzola reminded the board of the presentation made previously.

BOARD DISCUSSION

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

Mr. Soda motioned to **approve** based on the precedent of the board granting similar variances under similar circumstance. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Hirsch, Soda, Wolfe and Tuozzola** voting **with the motion**.

- 2) **43 Bayshore Drive Extension** MBP 28/563/5A; R-7.5; Robert Wortman, owner; Vary section 4.1.4 to 14.7' where 16' permitted for front-deck projection; 5.8' and 6.8' where 8' permitted for side-deck projection, all to reconstruction and remodel a single-family house.

Dr. Wortman addressed the board. He said the plan was in the same footprint of the original house, but the posts that support the deck were the reason the variance was needed.

BOARD DISCUSSION

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

Mr. Hirsch motioned to **approve** based on the configuration of the lot. **Mr. Soda** seconded. The motion carried with **Messrs. Dubois, Hirsch, Soda, Wolfe and Tuozzola** voting **with the motion**.

- 3) **58 Lilac Lane** MBP 92/704/17; R-12.5; Michael Sloat, agent for Jennifer Martino, owner. Vary Sec. 3.1.4.1 westerly side-yard setback to 6.2' where 10' required to construct an accessory apartment; vary easterly side-yard setback to 1.2' where 10' required to construct garage as shown on survey by R. Plain dated 05.19.2021.

Mr. Sloat addressed the board, saying he was speaking on behalf of the owner, his daughter Jennifer. He said he had approached neighbors to share information about the variance request and did not hear resistance. He said that after reflection, he wished to

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change the application for the garage variance to 15' instead of 19' to minimize the request. He said the hardship was the narrowness of the lot, notwithstanding the depth of the lot. He provided a letter of advisement to the neighbors and a letter of support from neighbors at 46 Lilac Lane.

DISCUSSION

Mr. Tuozzola asked about the change in the garage plans being submitted; **Mr. Harris** said the plan change was received too late to advertise, but that the applicant had the right to reduce his request. Mr. Harris said the board could create a condition for approval that captured the reduced request. **Mr. Soda** asked why the additions could not be consolidated. **Mr. Sloat** provided a series of site details that he felt prevented another placement of the proposed accessory apartment and garage. **Mr. Wolfe** asked about the accessory apartment passage from the main house; **Mr. Sloat** described the connection. **Mr. Hirsch** was concerned about providing variances to create the accessory apartment.

BOARD DISCUSSION

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

Mr. Soda motioned to **deny without prejudice**. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**. **Mr. Hirsch** voted **against**.

- 4) **34 Governors Avenue** MBP 66/825/5; R-12.5; Maryann Paisley, owner. Vary Sec. 3.1.4.1 east side-yard setback to 2.7' and 3.1' where 10' required; west side-yard setback to 8.7' where 10' required; bldg. coverage of 38.1% where 30% permitted; Sec. 4.1.4 east deck projection to 3.1' and 3.3' where 8' permitted; Sec. 6.3.2 expand nonconforming structure; all to construct a 23.67' x 23.2' 2-story addition and 14'x23' rear deck.

Mr. Patsy DePalmer, developer, 901 Baldwin Rd, Woodbridge, addressed the board on behalf of Ms. Paisley. He said the hardship was the narrowness of the lot and that the previous home was built prior to zoning regulations. He said the variance would not be detrimental to other homes in the neighborhood and that the proposed house was comparable in size to the adjacent homes at 30 Governors Avenue and to 38 Governors Avenue.

DISCUSSION

Mr. Soda asked about the square footage of the proposed first floor.

Ms. Paisley replied 1050 sf and discussion ensued based on Mr. Soda's experience of building garages for several decades in Milford. **Mr. Wolfe** asked if the neighbor's side-yard setback was also nonconforming; **Ms. Paisley** said a driveway was between the homes. **Mr. Tuozzola** expressed concern that the house is already nonconforming, and the variance request would make it more so. He was also concerned by the number of variances being requested. **Mr. Wolfe** asked about his perception that it would be difficult to access the garage via the driveway. **Mr. Soda** said the garage could potentially house 4 cars under the planned design.

OPPOSED

Tim and **Sarah Troiano**, 38 Governors Avenue, said they did not see a valid hardship. Mr. Troiano said the desire to expand the house was understandable, but there were alternatives to this plan. He submitted a petition to the chairman.

Eulalia Perna, 89 North Street, stated that she felt sympathetic to the abutters, and he felt that 2' is too close to the lot line.

Adam Cormier, 30 Governors Avenue, said that there was a discrepancy between surveys for some of the relevant properties. He said he had made many improvements to his home, but he stayed in the original footprint, and the applicant could do the same. **Mr. Wolfe** asked about the discrepancy; **Mr. Harris** said the board lacked the authority to decide on validity of surveys.

REBUTTAL

Ms. Paisley, 34 Governors Avenue, said she had lived in the house for several years and that the footprint was very small. She said the possibility to build up was inconsistent with aesthetic of the neighborhood and that a colonial would be more in line. **Mr. Soda** asked if the architect could reduce the side-yard setbacks.

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BOARD DISCUSSION

Mr. Tuozzola closed the hearing and asked for a motion.

Mr. Soda motioned to **deny without prejudice**. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**. **Mr. Hirsch** voted **against the motion**.

- 5) **6 Bedford Avenue** MBP 45/509/15; R-12.5; Joseph Kubic, Esq., attorney, for Michelle Castellucci, owner. Vary Sec. 4.1.4 front porch projection to 22' where 26' required.

Attorney Kubic, of Harlow, Adams, and Friedman, 1 New Haven Avenue, addressed the board. He described the house, which is being substantially remodeled by builder Roland Skinner (Ms. Castellucci's father). He said the remodel added a 2nd story and put a 100-sf rear addition with no variances required. He said neighbors were consulted and supportive. He noted that the house is on a corner lot and that the variance would be in harmony with the historic neighborhood.

BOARD DISCUSSION

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

Mr. Soda motioned to **approve** based on improvement to the property. **Mr. Hirsch** seconded. The motion carried with **Messrs. Dubois, Hirsch, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 6) **23 Raycroft Street** MBP 6/83/5A; R-12.5; Thomas Lynch, Esq., attorney for Warren Field, Jr., owner. Vary Sec. 3.1.4.1 easterly side-yard setback to 5' where 10' required to construct single family residence.

Attorney Lynch addressed the board. He noted that Mr. Field was present. He said the lot is nonconforming, that the original subdivision was in 1922, and that the hardship was due to the zoning regulations being changed twice after the subdivision. He handed out photographs of other properties nearby with different zones. He provided additional photos showing the difference between a house that could be done as of right versus a colonial more consistent with other homes in the neighborhood. He said the current setback requirement is out of character with current lot. He said that the original house was torn down by the mortgage company. He submitted a petition in support with 6 signatures.

DISCUSSION

Mr. Tuozzola confirmed that previous house footprint was similar. **Mr. Soda** asked if the height could be conditioned to be limited to 2 stories.

FAVOR

Mark Jazwinski, 147 Westfield Rd, said he abuts the house at the southern edge, and was in favor of proposed plan.

James and **Leah Loma**, 17 Raycroft St, said they support the application if conditioned on a 2-story height restriction.

Beverly Charland, 42 Raycroft, supported the application if conditioned on a 2-story height restriction.

Louis Csizmadia, 24 Raycroft, said he lives across the street and was in favor.

Meghna Patel, 25 Raycroft, supported the application if conditioned on a 2-story height restriction.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in opposition; hearing none, closed the hearing and asked for a motion.

Mr. Soda motioned to **approve with the condition of constructing a 2-story house with 27' as the midpoint**. **Mr. Hirsch** seconded. The motion carried with **Messrs. Dubois, Hirsch, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

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- A. NEW BUSINESS**
- B. OLD BUSINESS**
- C. STAFF UPDATE – Mr. Harris** revisited last month’s discussion of motions and corrected an erroneous statement that the person making the motion cannot vote against their own motion; anyone can vote against anything.
- D. ACCEPTANCE OF MINUTES FROM 8 JUNE 2021 HEARING** was unanimous.
- E. ACCEPTANCE OF APPLICATIONS FOR 10 AUGUST 2021 HEARING**

Adjournment was at **8:22 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