

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held August 12, 2014**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, August 12, 2014, 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 may have required Coastal Area Site Plan Reviews or exemptions.

### **A. PLEDGE OF ALLEGIANCE / ROLL CALL**

**MEMBERS PRESENT:** Joseph Tuozzola (Ch), Howard Haberman (Sec,) Richard Carey, William Soda, John Vaccino

**ALTERNATES PRESENT:** Gary Dubois, Sarah Ferrante, Robert Thomas

**MEMBERS/ALTERNATES ABSENT:** None

**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 known conflicts of interest for board members with any of the items on the agenda; none were raised.

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

1. **21 Beacher Road** (R-10) Thomas Lynch, attorney, for Two Ninety-Six, LLC, owner; Vary Sec. 3.1.4.1 southerly side-yd setback to 4' where 10' req; 4.1.4 southerly eave to 1' where 8' perm to build new single family home. Map 39, Block 606, Parcel 15

**Attorney Lynch**, Lynch, Trembicki and Boynton, 63 Cherry Street, addressed the board. He stated that Two Ninety-Six owners Greg Field and Angelo Lisi were present, as well as potential buyers Stacy and Mike Orefici. He distributed handouts on the lot certification under Sec. 6.4.1. He reviewed milestones in that process. He said there had been no merger by use with an adjacent lot. He said the original 1912 maps set out 40 foot lots for building or expansion to accommodate larger houses with accessory structures. He said the intent of this project was to build a reasonably sized house consistent with other homes in the neighborhood. He said the hardship was a 1910-1912 lot creation that predates Milford's use of zoning regulations. He noted that the application was postponed last month and that Mr. Lisi had discussed possible adjustments to his plans with neighbors after leaving the auditorium. He said the project was revised to accommodate the concerns of the residents who attended the July meeting to comment on the 21 Beacher Road variance.

#### **DISCUSSION**

**Mr. Haberman** confirmed the distance on the variance side. **Mr. Tuozzola** confirmed the rationale for repositioning the proposed house between Lot 31 and Lot 9.

#### **FAVOR**

**Greg Field**, 173 Kings Highway, noted that the house currently on an adjacent lot would be torn down which could ultimately open a wider space between the houses when a new house is built there.

**Stacy Orefici** and **Mike Orefici**, 62 Highview Avenue, said they wanted to live in this neighborhood due to family ties.

#### **OPPOSITION**

**Gloria Zavalishin**, 31 Beacher Road, said there were extensive gardens in the open lot and thought this created a merger. She discussed issues with the setback. She said a smaller house would meet the R-10 requirements.

**Nick Zavalishin**, 31 Beacher Road, said he considered the variance excessive.

**Alex Wilson**, 18 Beacher Road, said he opposed the size of the house.

**Debbie Schiavone**, 18 Parkland Place, said she agreed with the other objections.

**Frank Abramo**, 36 Beacher Road, said he opposed the project due to density concerns.

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**Chris Williams**, 25 Morningside Drive, said he opposed the project due to density concerns.

**Bob Weitzel**, 131 Morningside Drive, said he opposed the project due to the size of the house.

**Ms. Zavalishin** submitted 3 letters of opposition.

### REBUTTAL

**Attorney Lynch** said a deep conforming footprint for the house would be less aesthetically pleasing. He clarified the definition of the type of hardship that justifies a variance; that the hardship is a narrow lot, not financial. **Mr. Tuozzola** confirmed with **Mr. Harris** that a lot line adjustment cannot be done in this situation and that a house can be built on the lot.

### BOARD DISCUSSION

**Mr. Tuozzola** closed the hearing. **Mr. Carey** noted that the lot had been certified for building. **Mr. Vaccino** reviewed other options, including building a 20 foot-wide house instead of a 24-foot-wide house.

**Mr. Vaccino** motioned to deny the application. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion by reason of the ability to build a different house without a variance. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino** and **Tuozzola** voting with the motion.

2. **117 Beachland Avenue** (R-5) Kevin Curseaden, attorney, for Fannie Mae, owner; Vary Sec. 3.1.4.1 front-ym setback to 0.8' where 10' req, rear-ym setback to 0.9' where 20' req, lot coverage of 75.1% where 65% is permitted; 4.1.4 front steps to 0.3' where 8' perm, front deck to 5.5' where 8' perm, rear deck to 1.4' where 16' perm for elevation of a single family home. Map 29, Block 587, Parcel 41

**Attorney Curseaden**, Carroll, Curseaden and Moore, 26 Cherry Street, addressed the board. He stated that the item was being revisited after considering the objections for the denial without prejudice last month. He said the revised plan removed the watchtower, thereby removing the story and height elevation requests. He said the house would be rotated to better fit the lot. He said the hardship was the size, shape, topography, and elevation of the lot. He underscored that there would be no new construction. He noted that Platinum Homes now owned the property. He noted the presence of Platinum Homes member Dave Candelora. He reviewed notification documents.

### DISCUSSION

**Mr. Tuozzola** noted prior variances. **Mr. Harris** said the plan was exactly the same as the prior one except for the tower.

### FAVOR

**Dave Candelora**, 191 Sherman Ave, New Haven, said he was working with the city to abate a blight lien and that his plan would improve the property.

### OPPOSITION

**Michael Donegan**, Beachland Road, said he didn't entirely oppose the project, but was concerned about the stairs that nearly abut the street. He expressed concern that the stairs could be damaged by a car backing into them and someone getting hurt. He wondered if the stairs could be attached to a deck and door at the corner of the house where a 6 foot setback exists. He said as a City fire fighter, he thought fire-trucks or other first-responder equipment would be difficult to maneuver around the stairway in the event of an emergency.

**Mary Louise Vitelli**, 115 Melba Street, appreciated the change in the height. She agreed with the previous remarks and was concerned with safety.

### REBUTTAL

**Attorney Curseaden** said the original survey featured concrete steps and a part of the house on the street. He said the landing and stairs on the proposed plans were in about the same place as the previous stairs. He said he appreciated the concerns but

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the lot was very tight. He said valid hardships existed. **Mr. Tuozzola** confirmed that the concrete stairs would be removed and that the new landing would be 8 feet high to provide access to the house. **Mr. Soda** confirmed that the new structure height would be 26.8 feet. **Mr. Harris** verified this measurement.

### **BOARD DISCUSSION**

**Mr. Tuozzola** noted that an improvement was made in the application and that the issue with the steps predated the application. **Messrs Vaccino** and **Soda** expressed approval.

**Mr. Vaccino** motioned in favor of application. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the lot and a requirement to raise the structure, exactly per the submitted materials with the height correction noted by Mr. Harris. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino** and **Tuozzola** voting **with the motion**.

3. **2 Lawrence Court** (R-5) David Busk, agent, for Allen Desrosiers, owner; Vary Sec. 4.1.4 front-step to 2.5' where 4' perm for stair extension. Map 28, Block 579, Parcel 3

**Mr. Busk**, 874 North Greenbrier Drive, Orange, addressed the board. He stated that only one other house would be affected by the variance and provided a letter from that owner saying he has no objection. **Mr. Soda** confirmed that to build the stairs sideways would interfere with a neighbor parking his car. **Mr. Tuozzola** confirmed the house was already constructed and that **Mr. Harris** said a variance was needed.

### **DISCUSSION**

**Mr. Vaccino** felt that the loss of off-street parking because it was obstructed by repositioned stairs was a problem that outweighed the position of the stairs in the setback.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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. Haberman** motioned in favor of application. **Mr. Carey** seconded. **Mr. Haberman** supported his motion by reason of hardship of having no other place to put the stairs, exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino** and **Tuozzola** voting **with the motion**.

4. **35 Housatonic Avenue** (R-12.5) Arthur Hovey and Carol Hovey, owners; Vary Sec. 4.1.4 front-yd proj to 15.9' where 26' perm to constr a front portico. Map 65, Block 313, Parcel 1

**Mr. Hovey**, 35 Housatonic Avenue, addressed the board. He stated that he wanted to restore a roof over his front door that had existed for over 100 years until it was removed by a prior owner.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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. Haberman** motioned in favor of application. **Mr. Soda** seconded. **Mr. Haberman** supported his motion by reason of hardship of the position of the house on the lot, exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino** and **Tuozzola** voting **with the motion**

5. **6 Hillcrest Avenue** (R-10) Gernot Bruckner, agent, for Amy Margolis, owner; Vary Sec. 4.1.4 hatchway proj to 3.7' where 8' perm, deck proj to 4.5' where 8' perm to constr hatchway and deck. Map 37, Block 562, Parcel 9

**Mr. Anthony Giordano**, Anthony Giordano and Associates Engineering, 315 Morgan Lane, West Haven, addressed the board. He stated that the addition would replace an existing deck and reconfigure a patio. He said the new deck would be in the

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location of the old one. He said the prior method of access to the basement would now be covered by the addition and would be replaced by a Bilco door.

### **DISCUSSION**

**Mr. Vaccino** confirmed that the deck was in the same place, only on the ground.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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. Haberman** motioned in favor of application. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of hardship of the shape of the lot, exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino and Tuozzola voting with the motion**

6. **40 Point Beach Drive** (R-5) Mark Piccirillo, agent, for Topic Enterprises LLC, owner; Vary Sec. 3.1.4.1 west side-yd setback to 4.3' where 5' req, to constr 2<sup>nd</sup> fl addition. Map 30, Block 634, Parcel 3

**Mr. Piccirillo**, 48 Matilda Lane, Shelton addressed the board. He stated that the existing house was too close to the setback.

### **DISCUSSION**

**Mr. Tuozzola** confirmed that the existing garage would be replaced.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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 in favor of application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of not adding to the nonconformity, exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino and Tuozzola voting with the motion.**

7. **20 Blair Street** (R-5) James McElroy, agent, for Michael Tarantino, owner; Vary Sec. 3.1.4.1 north side-yd setback to 5' where 10' req ; 4.1.4 eave proj to 4' where 8' perm to constr new single-family dwelling. Map 27, Block 453, Parcel 11

**Mr. McElroy**, 26 Hauser St, addressed the board. He stated that the house had been damaged by the recent storms. He described additional parking and reduction in the nonconformity on one side. He provided more detail on the design. He said the hardship was the small, narrow lot.

### **DISCUSSION**

**Mr. Haberman** confirmed that parking would be in tandem. **Mr. Soda** confirmed the square footage of the attic. He confirmed with Mr. Harris that the applicant could ask for walk-up stairs from the Planning and Zoning Board. **Mr. Harris** described that board's historic interpretation of the attic regulation.

### **BOARD DISCUSSION**

**Mr. Soda** expressed concern about approving a fourth floor. **Mr. Vaccino** said he was more concerned with the height. **Mr. Haberman** said he wasn't worried about the fourth floor. **Mr. Harris** reminded the board that it could place a condition that the access to the attic be by pull-down stairs. **Mr. Tuozzola** asked if anyone wished to speak in favor of 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 in favor of application ***with the condition that the attic must be left unfinished and must only be accessible via pull-down staircase.*** **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of hardship of the

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narrow lot and that other than the attached conditions, all other details being exactly per the submitted materials. The motion passed with a condition with **Messrs. Carey, Haberman, Soda, Vaccino and Tuozzola** voting **with the motion**.

8. **22 Blair Street** (R-5) James McElroy, agent, for Michael Tarantino, owner; Vary Sec. 3.1.4.1 north side-ym setback to 5' where 10' req ; 4.1.4 eave proj to 4' where 8' perm to constr new single-family dwelling. Map 27, Block 453, Parcel 11A

**Mr. McElroy**, 26 Hauser St, addressed the board. He stated that the design was essentially the same as the prior structure, but with a different façade for aesthetic purposes.

### **DISCUSSION**

**Mr. Soda** confirmed that the gambrel roof side elevation matched the front. He asked Mr. Harris for clarification on measuring height per the regulations. **Mr. McElroy** said he added the gambrel roof to provide aesthetic variation from 20 Blair Street.

**Mr. Tuozzola** noted that both houses were aesthetically pleasing.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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 in favor of application ***with the condition that the attic must be left unfinished and must only be accessible via pull-down staircase***. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion supported his motion by reason of hardship of the narrow lot and that other than the attached conditions, all other details being exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino and Tuozzola** voting **with the motion**.

9. **24 Maddox Avenue** (R-5) James McElroy, agent, for Michael Tarantino, owner; Vary Sec. 3.1.4.1 north side-ym setback to 5' where 10' req; 4.1.4 eave proj to 4' where 8' perm to constr new single-family dwelling. Map 27, Block 451, Parcel 8.

**Mr. McElroy**, 26 Hauser St, addressed the board. He said the variance was the same as the previous two designs and the lot issues were also the same.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of 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 in favor of application ***with the condition that the attic must be left unfinished and must only be accessible via pull-down staircase***. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion supported his motion by reason of hardship of the narrow lot and that other than the attached conditions, all other details being exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino and Tuozzola** voting **with the motion**.

### **C. OLD BUSINESS**

There was none.

### **D. NEW BUSINESS**

There was none.

### **E. STAFF UPDATE**

There was none.

### **F. ACCEPTANCE OF MINUTES FROM JULY 8, 2014, HEARING**

**Mr. Carey** moved they be accepted; the motion carried unanimously.

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**G. ACCEPTANCE OF APPLICATIONS FOR SEPTEMBER 9, 2014, HEARING**

**Mr. Harris** and **Ms. Greene** reported three applications so far.

The meeting was adjourned at 8:32 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