

MINUTES OF THE ZONING BOARD OF APPEALS MEETING, 12 SEPTEMBER 2023, CITY HALL AUDITORIUM, 110 RIVER STREET

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 12 September 2023, beginning at 7:00 p.m., 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 advised that Items 1 and 6 had been postponed. He asked **Ms. Hirsch** to vote in Mr. Soda's absence.

MEMBERS PRESENT: Sarah Ferrante, Gary Montano, Chris Wolfe, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Gary Dubois, Carmina K. Hirsch

MEMBERS/ALTERNATES ABSENT: William Soda, Mike Smith

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

CONSIDERATION OF AGENDA ITEMS

1. **23 Pearl Street**, MBP 22/459/1; R-5; R. Nicola, Esq./R. Kelly, Esq., for Mark and Toni Piazza, appellants; Appeal the Decision of the Zoning Enforcement Officer in accordance with the provisions of section 9.2.1 regarding issuance of a Notice of Violation dated 6/28/23 demanding removal of deck and removal of improvements to rear building. **POSTPONED**
2. **80 Flax Mill Lane** MBP 120/906/3; R-A; Thomas Lynch, Esq. for Douglas and Katherine Daniells, owners; Vary sec 3.1.4.1 north side-yard setback to 9.5' where 25' required to construct addition to single-family home in accordance with the submitted materials and Survey, Codespoti & Associates, 4/28/19, revised 8/7/23. Plans, Fine Home Design stamped received 8/23/23.

Attorney Lynch, 63 Cherry Street, addressed the board and introduced Katie Daniells. He said the request for a side-yard setback variance was to build an office space addition for Ms. Daniells who works remotely. He said the hardship consisted of the presence of wetlands on the lot as well as large stormwater galleys. He said the only place for the addition was that indicated on the survey and that there is a great deal of landscaping between the addition and the abutter. He said he assured the abutter that the addition would be for one story only.

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.

Ms. Hirsch motioned to approve the request to vary section 3.1.4.1, side yard setback from 25' required to 9.5' proposed, all in accordance with the submitted materials; **Mr. Wolfe** seconded.

Discussion: None.

The motion passed with **Mss. Ferrante and Hirsch** and **Messrs. Montano, Wolfe** and **Tuozzola** voting **with the motion**.

3. **1 Bayshore Drive**, MBP 29/558/25; R-5; Jennifer Ruspini, owner; Vary sec 4.1.4 for projection of 1.78' where 4' permitted to construct a new single-family home in accordance with the submitted materials. Flanagan's Surveying and Mapping, Site plan, 6/27/21, revised 6/14/23. Plans, Ron D'Aurelio, Architect, 9/15/22.

Ms. Ruspini addressed the board. She said more space was needed to enter the house for safety reasons. **Mr. Harris** indicated the location of the proposed stairway on the survey. **Mr. Montano** was assured that the steps encroached the side-yard, not the right-of-way. **Mr. Harris** also showed the stairs on the front elevations.

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

OPPOSED

Teresa Sirico, 48 Field Court, said she is vice chair of the Bayview Beach Association. She expressed concerns about proximity of the proposed house to the creek and said that some neighbors fearing being flooded. She said CT DEEP had "condemned" the property and that it was sold by a bank. She said the lot is too small to construct a house and there is no place for parking.

REBUTTAL

Ms. Ruspini said that Ms. Sirico has harassed her regarding developing the property and dismissed her claims.

BOARD DISCUSSION

Mr. Tuozzola instructed the board that the only thing of interest to this board is the stair variance. He said the Inland Wetlands Commission, DEEP, and the Planning and Zoning Board would also be reviewing the application. He 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.

Ms. Ferrante motioned to **approve** the request to vary section 4.1.4 front yard projection from 4' permitted to 1.78' proposed, all in accordance with the submitted materials; **Mr. Wolfe** seconded.

Discussion: **Ms. Ferrante** said it's not the ZBA's job to decide whether the lot is buildable. **Mr. Wolfe** said the request was small.

The motion passed with Mss. Ferrante and Hirsch and Messrs. Montano, Wolfe and Tuozzola voting with the motion.

4. **170 Broadway** MBP 13/132/07; R-5; Kevin Curseaden, Esq., for 170 Broadway, LLC, owner; Vary sec 3.1.4.1, westerly side-yard setback to 3' where 10' required; 4.1.4 westerly side-yard deck projections to 1.5' where 8' permitted, all for newly elevated single-family home in accordance with the submitted materials and Site Plan Codespoti & Associates, 8/4/20, revised, 6/7/23.

Attorney Curseaden, 3 Lafayette Street, addressed the board and introduced the Tarantinos. He said the existing house was damaged in Superstorm Sandy and is not yet FEMA-compliant. He provided details about the project and setbacks required. He said the plan was to move house out of VE zone and that the project would also require a Coastal Area Management Site Plan Review. He said the current house is at an angle on the lot and would be straightened. He said the lot has 2 legal nonconforming houses as sometimes appears in that area of the shoreline because they predate zoning and subdivision regulations. He reviewed requirements for granting variances under the regulations, noting that case law has allowed the definition of hardship to include making structures more conforming. He said the variance does not affect the city's comprehensive zoning plan. He said the topography and size of the lot are also hardships and noted that abutter notifications are complete.

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 and asked for a motion.

Ms. Hirsch motioned to approve the request to vary sec. 3.1.4.1, side yard from 10' required to 3' proposed and to vary sec. 4.1.4, deck projection from 8' required to 1.5' proposed, all in accordance with the submitted materials; **Mr. Montano** seconded.

Discussion: **Ms. Hirsch** said the ask was substantial and thought there was room for modification. **Mr. Wolfe** said he considered it a reasonable request given the narrowness of many beach lots. **Ms. Hirsch** said that upon further deliberation, she wished to withdraw her motion and preferred to defer a vote to next month to allow further deliberation. The board agreed to do so.

5. **13 Seaview Avenue**, MBP 9/79/5; R-10; Kevin Curseaden, Esq., for Vito and Laura Lombardo, owners; Vary sec 3.1.4.1 setback to 16.9' where 25' required for addition; 4.1.4 architectural projection to 13.9' where 21' required for garage in accordance with the submitted materials and Site Plan, Paul Stowell, 3/6/23, revised, 8/3/23. Plans, Jones, Byrne, Margeotes Partners, 5/11/23, revised 6/6/23.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He noted the presence of his clients and their architect. He detailed the request, noting that the existing front yard is already in the setback. He said the net square footage is a wash between what is being asked and what is being removed. He said the house was 1890-era structure on the waterfront which would be moved out of the VE zone. He said the lot is undersized and narrow and that the hardship included reducing the flood risk. He said the existing front-yard setback had once been conforming and that the aesthetic is consistent with the Laurel Beach area with similar placement of the garage. He said the variance did not affect comprehensive zoning plan.

DISCUSSION

Ms. Hirsch asked how many stories the garage would feature; it would include a 2nd story gambrel roof.

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 and asked for a motion.

Ms. Hirsch motioned to **approve** the application to vary section 3.1.4.1, front yard setback from 25' to 16.9' and section 4.1.4, front yard projection from 21' to 13.9' for an addition/alteration to a single-family dwelling in accordance with the submitted materials; **Mr. Montano** seconded.

Discussion: None.

The motion passed with Mss. Ferrante and Hirsch and Messrs. Montano, Wolfe and Tuozzola voting with the motion.

6. **59 Harvest Lane** MBP 120/906/3; R-A; Thomas Lynch, Esq. for Dennis Murray, owner; Vary sec 3.1.4.1 south side-yard setback to 10.5' where 15' required to construct master bedroom addition for single-family residence in accordance with the submitted materials and Survey James A. Dennison, 3/16/23. Plans, JMR, 4/6/23. **POSTPONED**

7. **110 Beach Ave** MBP 60/743/4; R-7.5; Joe Hannon and Dolores Hannon, owners; Vary 4.1.1.1 to allow structure in required front-yard setback in accordance with the submitted materials and survey, Richard Plain, 5/26/23, revised 8/22/23.

Mr. and Ms. Hannon addressed the board. They said they had 2 front yards, and that Village Road is where they access their driveway. Mr. Hannon described how the variance would provide access to both bays of the new garage. He said a majority of homes on Village Road have a similar front-yard setbacks. He shared a map that depicted the proximity of houses to Village Road.

DISCUSSION

Mr. Ferrante confirmed that the garage was new. **Mr. Tuozzola** confirmed that the garage is 28' x 28' and asked if it could be made smaller such that the variance was unnecessary, noting that a standard 2-car garage is 24' x 24'. He asked for a hardship. Mr. Hannon said a variance would be need even if the garage were smaller. **Mr. Wolfe** confirmed with Mr. Hannon that the side yard setback was conforming. He confirmed storage would be above the garage 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 and asked for a motion.

Ms. Ferrante motioned to **approve**; **Mr. Wolfe** seconded.

Discussion: **Ms. Tuozzola** said he felt the size of the garage was excessive. **Ms. Ferrante** agreed.

The motion failed with Mr. Wolfe voting with the motion and Mss. Ferrante and Hirsch and Messrs. Montano and Tuozzola voting against the motion.

A. NEW BUSINESS

B. OLD BUSINESS

- C. STAFF UPDATE** **Ms. Greene** drew attention to a recent email detailing training opportunities. She also promised to provide a single sheet of proposed motions for ease of use in future meetings.

D. ACCEPTANCE OF MINUTES FROM 11 JULY 2023 HEARING were approved.

E. ACCEPTANCE OF APPLICATIONS FOR 10 OCTOBER 2023 HEARING

F. Adjournment was at 7:57.