

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

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Wednesday, November 12, 2014, beginning at 7:00 p.m. in the BOARD OF EDUCATION CONFERENCE ROOM, 70 WEST 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:** Howard Haberman (Acting Ch), John Vaccino (Acting Sec), Richard Carey, William Soda

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

**MEMBERS/ALTERNATES ABSENT:** Joseph Tuozzola (Ch), Gary Dubois

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

**Mr. Haberman** called the meeting to order at 7:00 p.m. He announced that Mr. Tuozzola was unable to attend the meeting and that he, Mr. Haberman, would act as chairman. He said **Mr. Vaccino** would act as Secretary for the evening and that **Ms. Ferrante** would provide the fifth vote for the evening. He announced that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> agenda items had been postponed at the request of their respective attorneys. 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. **557 Plains Road** (LI) Kevin Curseaden, Esq., Attorney for CP Rock Holdings, LLC, owner; Sec. 9.2.1 Appeal the Decision of the Zoning Enforcement Officer: restricting hours of operation of business on site; post-agreement forwarding matter to City Attorney for enforcement; citing incorrect property. Map 62, Block 928, Parcel 7

This item was postponed per request of **Attorney Curseaden**

2. **0 Tanglewood (across from 150 Tanglewood Circle)**(R-A/cluster to R-18) Thomas Lynch, Esq., Attorney, for April Culver, owner; Vary Sec. 3.1.4.1 to 20' where 40' req to build a single family home; Map 122, Block 904, Parcel 5-N

This item was postponed per request of **Attorney Lynch**.

3. **0 Tanglewood (across from 150 Tanglewood Circle)**(R-A/cluster to R-18) Thomas Lynch, Esq., Attorney, for April Culver, owner; Vary Sec. 3.1.4.1 to 20' where 40' req to build a single family home; Map 122, Block 904, Parcel 5-P

This item was postponed per request of **Attorney Lynch**.

4. **11 Tremont Street** (R-5) James McElroy, Agent, for Michael Tarantino, owner; Vary Sec. 3.1.4.1 to 4.6' where 10' req; 4.1.4 to 4.6 where 8' perm to build a single family home; Map 27, Block 451, Parcel 14

**Mr. McElroy**, 26 Hauser Street, addressed the board. He reviewed the plans and said the hardship was the requirement to elevate on a small, narrow lot.

### **DISCUSSION**

**Mr. Haberman** confirmed that the plan provides additional off-street parking and that an existing shed will be removed.

### **FAVOR**

**Linda Taylor**, 10 Maddox, said she supported the house design and felt it was consistent with the recent neighborhood elevations. She said her only objection was to the existing shed and that she was pleased it would be removed.

### **OPPOSITION**

**Cindy Burke**, 2 Barbara Drive, Shelton, spoke on behalf of her daughter Shannon Burke, 15 Tremont Street, who could not attend the meeting. Ms. Burke said her daughter opposed the project because the elevated house would be too tall.

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**Mr. Haberman** clarified that the proposed height did not require a variance.

**Tom Dingle**, 5 Bear Path, Shelton, godfather to Shannon Burke, indicated that he also opposed the variance application on Ms. Burke's behalf.

### **REBUTTAL**

**Mr. McElroy** said the objection confused him because the variance opened a wider distance between the proposed house and 15 Tremont Street. He said the proposed house was narrower than the existing house and that the existing house was not structurally sound enough to make elevating it feasible. He also noted alleviation of parking.

### **BOARD DISCUSSION**

**Mr. Haberman** closed the hearing. **Mr. Vaccino** said he felt a hardship existed because it wouldn't be feasible to build a house narrower than the 20' proposed house. 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 of the shed being removed. **Mr. Carey** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the narrow lot, exactly per the submitted materials. The motion carried with **Messrs. Carey, Haberman, Soda, Vaccino** and **Ms. Ferrante** 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 OCTOBER 14, 2014, HEARING**

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

### **G. ACCEPTANCE OF APPLICATIONS FOR DECEMBER 9, 2014, HEARING**

The postponed items are to be considered.

The meeting was adjourned at 7:19 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