

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 December 2016**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Monday, 13 December 2016, 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**

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

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

**MEMBERS/ALTERNATES ABSENT:**

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

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

1. **902 East Broadway (MBP: 27/448/4)** R-5. Robert Tobin, architect for Corrine Crane, owner; Vary Sec. 3.1.4.1: south front-ym setback to 5' where 10' req., north front-ym setback to 7.8' where 10' req., south side-ym setback to 3.1' where 5' req., north side-ym setback to 4' where 5' req. northeast rear-ym setback to 10' where 20' req.; Sec. 4.1.4: south front-ym deck proj. to 4.5' where 8' perm., west rear-ym stair proj. to 6' where 16' perm.; vary Sec. 6.3.2 Expansion of Non-Conforming Structure.

**Mr. Tobin**, 115 Wigwam Lane, Stratford, addressed the board. He said his client wanted to create a retirement home from a summer cottage and that the project includes elevating the house for flood mitigation. He said he tried to use the setbacks of the existing house, but technical problems arose due to a cathedral ceiling. He said the variances were required because he was trying to match the addition to the existing house. He reviewed the setback variance requests, noting where nonconformities were reduced. He said the current house is very close to the street, which creates privacy issues. He said the goal was to move the house away from the street. He said the house was similar to the adjacent house and others toward the western end of the street. He said he had checked with the Inland Wetlands Agency and no issues were raised. He showed a rendering of the planned house as viewed from East Broadway. He said the non-conforming lot size and task of changing the house from a cottage to a year-round home were hardships. He noted 2 letters of support from neighbors and said there would be 2 additional parking spaces under the house.

### **DISCUSSION**

**Mr. Tuozzola** confirmed that there would be just parking spaces and that the old garage would be removed. **Mr. Soda** asked for the square footage of the existing house versus the proposed house; **Mr. Tobin** said 918 sf versus 1900 sf. **Mr. Tuozzola** confirmed the addition was 22' by 28'. **Mr. Haberman** confirmed the existing nonconformities. **Mr. Tuozzola** confirmed with **Mr. Harris** that the lot coverage was acceptable.

### **FAVOR**

**Mr. Tobin** submitted 2 letters of support from neighbors.

**Ms. Crane** expressed support for her own project and said a neighbor had verbally expressed support to her.

**Eden Diamond**, 904 East Broadway, expressed support.

### **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.

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 December 2016**

**Mr. Soda** motioned to **approve**. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of hardship of the corner lot and narrow lot, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Haberman, Soda, Vaccino, and Tuozzola** voting **with the motion**.

2. **904 East Broadway (MBP: 27/447/1)** R-5. Robert Tobin, architect for Howard Diamond and Eden Diamond, owners; Vary Sec. 3.1.4.1: south front-ym setback to 1.8' where 10' req., north side-ym setback to 1.6' where 5' req., north side-ym setback to 2.8' where 5' req., west rear-ym setback to 10' where 20' req., bldg lot area to 47% where 45% req.; Sec. 4.1.4: north rear-ym deck proj. to 4' where 16' perm., north rear-ym deck proj. to 2.8' where 5' perm., south rear-ym deck proj. to 1.8' where 8' perm.; vary Sec. 6.3.2 Expansion of Non-Conforming Structure.

### **DISCUSSION**

**Mr. Tobin**, 115 Wigwam Lane, Stratford, addressed the board. He said that the intended use was similar to the item just presented—convert a cottage to a year-round retirement home. He said one of the owners was on disability and required an elevator. He said this consideration also was a factor for putting most rooms on the first floor and reconfiguring the front entrance. He reviewed current features of the house including a sunroom that helps to heat the home in the winter. He said the cathedral ceilings were similar to 902 East Broadway and created some of the same problems. He reviewed the setback requests, noting that they were similar to #902 as well. He said the owner wanted to have plants for a garden on the deck, necessitating extra space. He noted the 2 parking spaces added underneath. He submitted 2 letters of support. He said the hardship was the need for an elevator and the nonconforming lot size.

### **DISCUSSION**

**Mr. Soda** asked for the existing and proposed square footage; **Mr. Tobin** said it was 1022 sf versus sf 2200. **Mr. Tuozzola** confirmed that the hardship was the handicapped elevator and stairs. **Mr. Tobin** said the lot size was smaller than any other lot on the block. He said the house would be smaller than adjacent houses to the north and east. He said there was no visual impact to the neighborhood. **Mr. Tuozzola** confirmed that the height was 34.5, but that **Mr. Tobin** said he would try to reduce it. **Mr. Tobin** said there was no space in the existing house for a master bedroom and other reasonably sized rooms. **Mr. Haberman** questioned that the house was 78' long. **Mr. Tobin** said the need for space to locate mechanicals was also a problem. **Mr. Soda** said he was troubled by the large size of the house. **Mr. Tobin** said the kitchen and pantry were kosher and needed to be larger. **Mr. Vaccino** said he was similarly concerned about the building percentage of the project.

### **FAVOR**

**Joseph Williams**, 14 Asherton Dr., Ossining, NY, said he didn't feel the proposal was a big thing to request.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. He said he thought the project was a little excessive. **Mr. Vaccino** echoed his concern about setting a precedent.

**Mr. Vaccino** motioned to **deny without prejudice**. **Ms. Haberman** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Haberman, Soda, Vaccino, and Tuozzola** voting **with the motion**.

**B. OLD BUSINESS**-None

**C. NEW BUSINESS**- Discuss 2017 Calendar

**Mr. Harris** said he had suggested that the board discuss taking a hiatus during the calendar year. **Mr. Tuozzola** said he had reviewed the schedules of other comparable boards and hadn't found any that met less than monthly. **Mr. Soda** said he thought monthly meetings let alternates vote more often. **Mr. Vaccino** said he didn't see it as a burden.

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 December 2016**

**Mr. Tuozzola** motioned to accept the draft calendar with monthly meetings intact and an accommodation for the first night of Passover. **Mr. Vaccino** seconded. The motion carried unanimously.

**D. STAFF UPDATE**-None

**F. ACCEPTANCE OF MINUTES FROM 8 NOVEMBER 2016 HEARING:** Minutes were approved.

**G. ACCEPTANCE OF APPLICATIONS FOR 10 JANUARY 2017 HEARING**

Adjournment was at 7:47.

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