

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 14 January 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 14 January 2020, 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**

**Mr. Harris** called the meeting to order at 7:00 pm and announced the election of officers. **Mr. Soda** nominated **Mr. Tuozzola** for chairperson, **Ms. Valiquette** seconded, and the vote was unanimous.

**Mr. Tuozzola** was seated as chair and nominated **Ms. Ferrante** in absentia for Board Secretary, noting that she had already confirmed her willingness to serve in that capacity via email. **Mr. Soda** seconded, and that vote also was unanimous. **Mr. Tuozzola** asked **Ms. Valiquette** to serve as Board Secretary in Ms. Ferrante's absence and asked Mr. Casey to provide the 5<sup>th</sup> vote. He asked the audience for conflicts of interest for board members with any agenda items; none were raised. He seated **Mr. Dubois** to vote in place of Mr. Wolfe who was en route to the meeting.

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

**ALTERNATES PRESENT:** Michael Casey, Gary Dubois

**MEMBERS/ALTERNATES ABSENT:** Sarah Ferrante, Etan Hirsch

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

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

1. **63 Lincoln Avenue**, MBP 15/242/13B, R-12.5, Thomas Lynch, Esq., for Richard and Carol Cammarano, owners; Vary Sec. 6.4.2 to allow use of a non-conforming lot for construction of a single family residence.

**Mr. Wolfe** was seated to vote.

#### BOARD DISCUSSION

**Mr. Tuozzola** reminded the board that this item had been closed and tabled at the previous meeting. He asked for discussion based solely on the December presentation. **Mr. Soda** shared his thinking about the installation of the swimming pool prior to the regulation that merged the lot.

**Mr. Tuozzola** asked for a motion.

**Mr. Soda** motioned to **approve**. **Mr. Wolfe** seconded. The motion failed with **Ms. Valiquette** and **Mr. Tuozzola** voting **against the motion**, and **Messrs. Casey, Soda, and Wolfe** voting **with the motion**.

2. **19 Marietta Avenue**, MBP 15/248/19, R-10, Thomas Lynch, Esq., for Molly Rentals, LLC, owner; Vary Sec. 3.1.4.1 side-ym setback to 5.2' where 10' req.; 4.1.4 overhang proj. to 3.5' where 8' perm.

**Attorney Lynch** passed out materials and addressed the board. He stated that Buddy Field, the owner was present. He reviewed the variance request and the nature of the property, which he said was certified as a legal lot under Section 6.4.2. He said the lot was nonconforming and undersized. He described the reason for the variance as allowing the house to better mesh with the neighborhood, referring to a photograph of a house that could be built by right on the lot, but which would dominate nearby homes due to its height. He noted the unusual tapered shape of the lot, necessitating the side-yard variance request. He reviewed the contents of the handout, featuring a petition in favor and a proposed design for a house of moderate height.

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**Mr. Warren “Buddy” Field**, 17 Beacon Hill Lane, said he would accept a condition of a height restriction of 27’ proposed by Mr. Soda. Mr. Field said the approved plan was submitted by the previous owner. He described conversations with neighbors who were most concerned with the height of a house on the lot. **Mr. Tuozzola, Attorney Lynch, and Mr. Harris** verified the front yard setback.

### PUBLIC REMARKS

**Mary Regalbuto**, 18 Marietta Ave, said she was concerned with the height of the house and large nearby trees.

**Scott Standley**, 45 Manilla Ave, said he was concerned about parking and the small size of the lot.

**Sharon Benton**, 115 Old Point Rd, said she didn’t see a justification for a variance. **Mr. Soda** asked for her opinion of the 2 proposed houses. She approached the board and discussed the 2 proposals with **Mr. Soda** and **Mr. Wolfe**.

### REBUTTAL

**Attorney Lynch** said that the design would take 4 cars taken off the street for parking.

### BOARD DISCUSSION

**Mr. Tuozzola** closed the hearing. **Mr. Soda** expressed confidence that the height restriction would keep the house in line with the neighborhood. After a short discussion, there were no issues in dispute, so **Mr. Tuozzola** asked for a motion.

**Mr. Soda** motioned to **approve with the condition that the building height not exceed 27’ in lieu of the usual 35’ stipulated by the zoning regulations**. **Mr. Wolfe** seconded. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda, Wolfe, and Tuozzola** voting **with the motion**.

3. **49 Oakland Avenue**, MBP 28/569/3, R-5, Paul Coorssen, owner; Vary Sec. 4.1.4 platform & stair proj. to 3’ where 4’ perm. to build a meter-reading platform.

**Mr. Coorssen** addressed the board. He said he had put an addition on his house after raising it to mitigate flood risk, but United Illuminating required a platform for reading the electric meter. He said the only place to put the meter such that would comply with setbacks would be to put it under the house, defeating the goal of flood mitigation.

### 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. After a short discussion, there were no issues in dispute, so he asked for a motion.

**Mr. Valiquette** motioned to **approve**. **Mr. Soda** seconded. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

4. **14-16 Stowe Avenue**, MBP 13/140/2A, CDD-2, William Myers, agent, for Christian Switzer, owner; Vary Sec. 3.17.4.3(4) distance between bldgs to 3.5’ where 11.5’ req. to construct single family home

**Mr. Myers**, 35 Richards St. and **Andrew Flanagan, LS, 1416 New Haven Ave**, addressed the board. **Mr. Flanagan** stated that the plan was to reconstruct a house destroyed in Sandy. He described the project in detail, including a shared cottage between Mr. Switzer and a neighbor. He said the variance was needed because of the distance between the buildings being subject to a calculation based on height in the CDD-2 zone. **Mr. Wolfe** discussed the cottage sharing arrangement.

### OPPOSED

**Dana Marcus**, 40 Park Ave, asked when the CDD-2 zone was created, **Mr. Harris** said around 2006-2008.

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**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. After a short discussion, there were no issues in dispute, so he asked for a motion.

**Mr. Soda** motioned to **approve**. **Mr. Wolfe** seconded. **Mr. Soda** supported the motion based on the hardship of the house placements on the lot; in accordance with submitted materials. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

5. **225 Pond Point Road**, MBP 47/533/24, R-12.5, Fiona Hackett, owner; Vary Sec. 3.1.4.1 front-yd setback to 20.5' where 30' req. to construct attached garage.

**Ms. Hackett** addressed the board. She stated that the house is on an unusually shaped corner lot, creating difficulty in placing the garage.

**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. After a short discussion, there were no issues in dispute, so he asked for a motion.

**Mr. Wolfe** motioned to **approve**. **Mr. Valiquette** seconded. **Mr. Soda** supported the motion based on the hardship of the corner lot; in accordance with submitted materials. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

6. **67 Point Beach Drive**, MBP 30/642/6, R-7.5, Katherine Winkle, owner; Vary Sec. 3.1.4.1 front-yd setback to 13.8' where 20' req.; 6.3.2 laterally to expand non-conforming garage.

**Scott Farquarson**, Baybrook Remodelers, West Haven, addressed the board. He stated that the project was to enlarge a single car garage by widening it. He said the hardship was a small, nonconforming lot. He said the request was modest.

**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. After a short discussion, there were no issues in dispute, so he asked for a motion.

**Mr. Valiquette** motioned to **approve**. **Mr. Soda** seconded. The motion carried with **Ms. Valiquette** and **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

C. **NEW BUSINESS**- None.

D. **OLD BUSINESS**-None

E. **STAFF UPDATE**-None

F. **ACCEPTANCE OF MINUTES** 10 December 2019: Approved.

G. **ACCEPTANCE OF APPLICATIONS** for 13 February 2020 hearing. 2 possibilities had been discussed.

Adjournment was at 7:59 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