

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 February 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 11 February 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. Tuozzola** called the meeting to order at 7:00 pm and announced that the first item had been withdrawn. He advised the audience that a quorum of 4 members existed and provided an opportunity to postpone application hearings, if the applicant so desired; none did. He asked **Mr. Dubois** to vote in place of Mr. Wolfe and asked the audience for conflicts of interest for board members with any agenda items; none were raised.

**MEMBERS PRESENT:** Sarah Ferrante; William Soda, Joseph Tuozzola (Ch)

**ALTERNATES PRESENT:** Gary Dubois

**MEMBERS/ALTERNATES ABSENT:** Michael Casey, Etan Hirsch, Christine Valiquette, Chris Wolfe

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

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

1. **93 Juniper Drive**, MBP 95/925/1408, R-30, Scott Farquharson, agent, for Anna and Marco Colangelo, owners; Vary Sec. 3.1.1.1 to 2 family where 1 family exists. **WITHDRAWN**
2. **63 Wayne Road**, MBP 102/702/2FF, R-18, Shannon Chaiklin, owner; Vary Sec. 3.1.4.1 side-yd setback to 12.5' where 15' req. to build an addition.

**Ms. Chaiklin** addressed the board. She said she was wished to build a 2-story addition, that her lot had an irregular shape, and that the variance was needed to accommodate the corner setbacks. She said a kitchen window would be lost if the variance was not granted, limiting light.

#### 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**. **Ms. Ferrante** seconded. **Mr. Soda** supported the motion based on the hardship of the irregularly shaped lot; in accordance with submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda,** and **Tuozzola** voting **with the motion**.

3. **7 Point Beach Drive**, MBP 30/636/3, R-7.5, Thomas Lynch, Esq., for Richard and Roger Biagetti, owners; Vary Sec. 3.1.4.1 side-yd setback to 6' where 10' req. to construct single family home.

**Attorney Lynch** addressed the board. He stated that his clients were present and had bought the property as a vacant lot due to demolition of the previous house, which was damaged by Superstorm Sandy. He described the 3300sf proposed house. He reviewed the new survey and new requested variances, contrasting them with a plan previously approved with a different set of variances. He said the house was a Nantucket style, in keeping with other new construction in the area. He noted that the house would be raised to mitigate flood risk and that there would be a garage underneath. He reviewed the elevations, pointing out a free-standing deck in the VE zone. He stated that a Coastal Area Management application would be submitted to the Planning and Zoning Board if the variance was granted. He also presented floor plans. He reviewed the setbacks of the previous house versus the proposed house. He said the hardship was a narrow, nonconforming lot.

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FAVOR

Attorney Lynch submitted a letter in favor from **James Gagliardi** of 15 Point Beach Drive.

**Paul Fonseca**, 11 Point Beach Drive, the easterly abutter to the property, spoke in favor of the project.

BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Mr. Soda** confirmed that the 2 houses on the survey consisted of the previously proposed house. After a short discussion, there were no issues in dispute, so he asked for a motion.

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

4. **620 West Avenue**, MBP 42/304/3B, CDD-1, Thomas Lynch, Esq., for Coastal Stone, Inc., owner; Vary Sec. 4.1.7.1 to allow 6' chain link fence in front yard of commercial property.

**Attorney Lynch** addressed the board. He stated that his client, Armando Alves, was present. He said Mr. Alves' company, Coastal Stone, was currently operating in Bridgeport but moving to Milford. He referenced other stone and granite businesses in Milford featuring showrooms and offices with stone stored outdoors, saying this would be the plan for Coastal Stone. He referred to a site plan with the proposed fence placement indicated. He described the lot and abutting properties. He said most of the frontage is on Stran Road, which is where the stone would be stored. He described attributes of the property's assigned CDD-1 zone, noting that the surrounding area is more industrial and the building itself has been used for industrial purposes. He referred to other stone companies and their zoning. He said the CDD-1-permitted 4' fence would not provide a level of security to prevent theft. **Mr. Soda** expressed concern that the portion of the property that fronts West Street would become a storage area and create an eyesore.

DISCUSSION

**Armando Alves**, 620 West Avenue, **Attorney Lynch** and **Mr. Soda** discussed repositioning the fence.

OPPOSED

**Richard Frederick**, 30 Stran Road, said he has run his business at 30 Stran Road for 20 years and agreed that the fence would be an eyesore on West Avenue. He said he understood the need to protect inventory, but the placement of the fence was especially problematic because there was a turnaround for trucks that would be obstructed by the fence. He said if the area wasn't used for parking, employees would start parking on the street, further impeding trucks and creating a potentially dangerous situation. He said during snowstorms, Stran Road was a cul de sac that is among the last to be plowed, creating even more difficulty in running businesses on the street. He described how deliveries are made to his business and said he was considering asking the Milford PD Traffic Division to ensure access for emergency vehicles. He submitted photos illustrating the difficulties he was describing. He said he was supportive of businesses, but wished to share his concerns. He said owners in the area take pride in the appearance of the businesses. **Mr. Soda** asked if the Mr. Frederick would drop his objections if the fence were repositioned to the area he (Mr. Soda) had suggested when he, Mr. Alves, and Attorney Lynch had their earlier discussion. Mr. Frederick indicated that he would be satisfied with the change proposed by Mr. Soda. Attorney Lynch pointed out that Mr. Frederick doesn't have the issue of fronting onto 2 streets.

**Mr. Tuozzola** asked Mr. Harris if the plan could be approved as modified by Mr. Soda. **Mr. Harris** said the approval could be conditioned on the reduction and relocation of the fence.

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**Attorney Lynch** conferred with Mr. Harris and his client.

**BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of the application. Hearing none, he closed the hearing and asked for a motion.

**Mr. Soda** motioned to **approve with condition of a modification to reduce and reposition the fence per a drawing he submitted into the record. Ms. Ferrante** seconded. **Mr. Soda** supported the motion based on the hardship of the business frontage; in accordance with submitted and conditionally modified materials. The motion carried with **Ms. Ferrante** and **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

**C. NEW BUSINESS**- None.

**D. OLD BUSINESS**-None

**E. STAFF UPDATE**-None

**F. ACCEPTANCE OF MINUTES** 14 January 2020: Approved.

**G. ACCEPTANCE OF APPLICATIONS** for 10 March 2020 hearing: none so far.

Adjournment was at 7:52 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