

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 February 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 9 February 2021, beginning at 7:00 p.m. via ZOOM®, 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

Zoning Enforcement Officer Stephen Harris called the meeting to order at 7:00 pm and asked for nominations for Chair. **Mr. Soda** nominated **Mr. Tuozzola**; his motion was seconded by **Ms. Ferrante**. **Mr. Tuozzola** was elected unanimously. He then asked for nominations for Board Secretary. **Mr. Soda** nominated **Ms. Ferrante**; **Mr. Tuozzola** seconded, and **Ms. Ferrante** was also elected unanimously. As **Ms. Valiquette** had not yet appeared in attendance, Mr. Tuozzola asked **Mr. Dubois** to vote in her place.

MEMBERS PRESENT: Sarah Ferrante, Christine Valiquette (delayed), Chris Wolfe, William Soda, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Gary Dubois, Etan Hirsch

MEMBERS/ALTERNATES ABSENT: Michael Casey

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

B. CONSIDERATION OF AGENDA ITEMS

- 1) **67 Austin Road** MBP 14/33/23; R-7.5; Daniel Mancini, owner; Vary sec. 4.1.1.3 general lot, yard, height, and use regulations; article 4.1.13: exceptions to height requirements, height of 19' 3.5" where 15' permitted to construct office in detached garage.

Mr. Mancini addressed the board. He reviewed the request for his garage, saying it was an existing structure and that there would be no change in its footprint. He asked for the height variance to make the space more comfortable. He said working at home during the pandemic has created a need for a home office space that was not anticipated when he bought the house.

DISCUSSION

Mr. Tuozzola confirmed that the garage was already there with the ridge at its existing height. **Mr. Harris** clarified that the original garage had a gable roof and inserting dormers moved the midpoint of the roofline higher, changing the calculation. **Mr. Soda** asked for a hardship based on the lot, not personal hardship; **Mr. Mancini** expressed confusion about the definition of a hardship that runs with the land. **Mr. Wolfe** suggested that building an addition or adding shed dormers to the house rather than the garage could be considered without the need for a variance. **Mr. Mancini** said the garage has double the service electric of the house. **Mr. Tuozzola** said that in driving by the home in preparation for the meeting, he noticed that the garage is already large for the neighborhood. He expressed concern that a subsequent owner might try to use it as a second unit in a single-family zone. He worried that granting this variance sets a precedent. **Mr. Soda** agreed with Mr. Tuozzola. **Ms. Ferrante** agreed that an office addition to the house would be preferable. Mr. Wolfe express concern about danger of a voltage overload.

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

FAVOR

Gaeton Andretta, 63 Austin, says he is in favor of the project and that Mr. Mancini is a good neighbor.

Mr. Tuozzola found no other comment being offered. He closed the hearing and asked for a motion.

Mr. Soda motioned to deny based on lack of hardship. **Mr. Wolfe** seconded. The motion carried with **Ms. Ferrante**, and **Messrs. Dubois, Soda, Wolfe and Tuozzola** voting with the motion.

- 2) **121 Merwin Avenue, aka, 14 Villa Rosa Avenue** MBP 59/795/37; R7.5; 121 Merwin Ave, Milford, LLC (Michele A Holmes), owner; Vary Section 3.1.4.1 to 2.88' where 5' required and 6.3.2 for a lateral expansion to construct an accessway to basement.

Michele Holmes, 81 Sunset Hill, Redding, said a hardship exists because the proposed accessway is the only place for electrical utility connection to the house. She discussed gas and water connections that also have restrictions. She said utility lines could not be above ground for safety reasons and that previous storm experience indicates that the current configuration will flood the basement. She said that the house was left in disarray since Superstorm Sandy.

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FAVOR

Adam Negri, 81 Sunset Hill, Redding, said he is Ms. Holme's husband and is in favor of the application. He said there is very little space to attach utilities to the house safely.

DISCUSSION

Ms. Wolfe confirmed that electric cables will be trenched underground and despite a full basement, mechanicals will be in the attic.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of the application; none did.

OPPOSED

Denise Kelly, 117 Merwin Ave, said she is the abutting neighbor and had initiated a blight lien against the house years ago. She said the house will be too close to her house if the accessway is approved. She stated that there is no need to encroach further.

REBUTTAL

Mr. Negri said that no additional living space is being added. There was an exchange discussing various conflicts and attempted resolutions between the neighbors to deal with alleged encroachments.

OPPOSED

Ms. Greene noted that Jacqueline Hartman, 150 Sandpiper Cres, had sent an email in opposition.

BOARD DISCUSSION

Mr. Soda observed that the accessway is not going out further than the footprint of the house and the limited utility access sounded like a hardship to him.

Mr. Tuozzola closed the hearing and asked for a motion. **Mr. Soda** motioned to **approve** based on hardship of the existing conditions. **Mr. Wolfe** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 3) **51-53 Roses Mill Road** MBP 90/812/44, SCD, Thomas Lynch, Esq., for 51 Roses Mill, LLC, owner; Vary sec. 3.9.2.1 minimum lot area for mixed use with multi-family units from 20 acres required to 1.53 ac. provided; sec. 3.3.4.2 open space least dimension less than 50' req.; sec.3.9.4.3 maximum multi-family dwelling floor area from 40% permitted to 67% proposed to re-construct mixed use building in SCD zone.

Attorney Lynch, 63 Cherry St, addressed the board. He reviewed the proposal, saying that the application is a technicality because the fundamentals of the proposed project had been approved prior to a zone change for the property. He said the Shopping Center District (SCD) was created in 2007 prior to the development of the plaza that now abuts the proposed project. He showed a survey of existing conditions and said the most recent building on the site was built in 1995 when the district was zoned as General Business, the precursor to SCD. He said that building conformed to this prior zone, but had fallen into disuse, been boarded up, and that squatters had occupied the building until a fire occurred on Aug 2020. He said that the proposal is to build on old foundation but have 2 levels of residential apartments in the new building with a commercial 1st floor divided between a potential bank use and a medical group. The lower back level would be used for parking.

Joe Russo, JMR Design Consultants, 215 Research Drive, described the building he had designed as a mixed-use structure with additional staircases and an elevator. He displayed floorplans, featuring 6 one-bedroom units on 2 floors for 12 total units.

DISCUSSION

Mr. Hirsch asked about flood zones and wetlands near the area; **Attorney Lynch** said the application would be reviewed by Inland Wetlands and the Planning and Zoning Board as well.

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. He read an email of support from Joyce Byrnes, owner of the Milford Auto Group, a nearby business.

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Mr. Soda motioned to **approve** due to the hardship of the zone change. **Mr. Wolfe** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

C. NEW BUSINESS-None.

D. OLD BUSINESS-None.

E. STAFF UPDATE-None.

F. ACCEPTANCE OF MINUTES 12 January 2021: Approved unanimously.

G. ACCEPTANCE OF APPLICATIONS for 9 March 2021 hearing.

Adjournment was at 8:03 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