

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 March 2019

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 12 March 2019, 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 asked Mr. Hirsch to fill in for Ms. Ferrante, and for board member conflicts of interest with any agenda items; none were raised. He said 793 Milford Point Road's application would be postponed per request of the applicant.

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

ALTERNATES PRESENT: Gary Dubois, Etan Hirsch

MEMBERS/ALTERNATES ABSENT: Michael Casey, Sarah Ferrante

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

B. CONSIDERATION OF AGENDA ITEMS

- 1. 27 Fairwood Avenue.** MBP 12/123/10A, cor. Church Street, R-5, Thomas Lynch, Esq., for Molly Rentals, LLC, owner, Vary sec. 3.1.4.1 front yard set back from Church St. from 10' req. 7' provided to build single family residence.

Attorney Lynch addressed the board. He introduced Buddy Field, principal of Molly Rentals. He reviewed information from the January meeting, where the application was denied without prejudice. He said that after that meeting, he and Mr. Field gathered with several neighbors who were opposed to the application. **Attorney Lynch** said additional off-street parking was added to address their parking concern. He submitted a petition of support from several neighbors who had formerly opposed the application. He said the hardship was due to the property abutting 2 city streets with a 10' front yard setback in both front yards.

DISCUSSION

Mr. Soda asked several questions before the clerk realized she had mistakenly provided him with the wrong maps. Once he had the correct plan, he was satisfied with it.

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. Hirsch** seconded. **Mr. Soda** supported the motion based on the size of the lot; in accordance with submitted materials. The motion carried with **Ms. Valiquette** and **Messrs. Hirsch, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 2. 127 Shell Avenue.** MBP 27/475/22. R-7.5, Ray Oliver, architect for John and Sara Longobardi, owners, Vary sec. 3.1.4.1 side yard setback to 3' where 5' req., to 6.99' where 10' req.; sec 4.1.4 to 2' where 4' allowed, and 5.27' where 8' allowed to build single family residence.

Mr. Oliver addressed the board. He introduced the Longobardis and reviewed the request, noting that the proposed plan centered the new house on the lot more than the existing house to be demolished and that the new house will be compliant with current flood mitigation requirements. He pointed that 6 parking spaces would be added under the house and that a right-of-way access and public passageway to a neighboring house also constrict the lot. He reviewed the aesthetics of the house.

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DISCUSSION

Mr. Hirsch confirmed the approximate size and height of the house. **Mr. Wolfe** asked if snow removal could be accommodated; **Mr. Longobardi** confirmed that it could.

FAVOR

John Longobardi, 660 Ridge Road, Orange, said he wanted to use the house as a year-round home rather than as they now use it, which is mainly during the summer. He said he had consulted closely with his neighbors, especially with respect to sight lines.

He read a letter of support from his neighbor **Robert and Cheryl Bishop**, 885 Shell Avenue.

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. Valiquette** seconded. **Mr. Soda** supported the motion based on the narrowness of the lot; in accordance with submitted materials. The motion carried with **Ms. Valiquette** and **Messrs. Soda, Wolfe** and **Tuozzola** voting with the motion. **Mr. Hirsch** voted against the motion.

3. **302 Woodmont Road**. MBP 91/809/3. ID, Kevin Curseaden, Esq. for Anthony Monaco, applicant; Approval of Location for Automotive Dealer & Repair.

Mr. Harris described the nature of a ZBA's role in reviewing and approving locations of automotive dealerships and repairs. He stated that the ZBA acts as an agent of the state in these actions and that the item was not a public hearing. He said that this was the first time an Approval of Location had come before this ZBA and it would be advisable to let Attorney Curseaden explain the nature of these actions in more detail.

Attorney Curseaden described the statute that governs new Approval of Location applications, saying it requires that the board to determine whether the site is suitable for the use, namely auto repair, purchase of parts for auto repair, and sale of trucks. He said his client had been in these types of businesses for 30-40 years, and that Mr. Monaco wishes to move his license from 500 New Haven Avenue to 302 Woodmont Road. He said he wished to retain the use for used car sales at 541 New Haven Avenue. Attorney Curseaden said his client's next application would be to the PZ board for a Special Permit. He reviewed zone use restriction details, saying the proposed new location doesn't allow sale of new passenger cars, so his client would sell trucks, motorcycles and boats instead. He said the previous use of the proposed site was as an insurance company which did car claims inspections there.

BOARD DISCUSSION

Mr. Soda said the location seemed very appropriate with similar uses nearby. He asked for clarification about the license. **Mr. Hirsch** clarified that the purchase was a contract purchaser. **Mr. Wolfe** confirmed that the previous site on 541 New Haven Avenue would still include used car sales. **Mr. Soda** confirmed that both sales and repairs would continue to be done at 541 New Haven Avenue.

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

4. **793 Milford Point Road**. MBP 19/249/9. R-7.5, Kevin Curseaden, Esq. for Bella Properties Milford, LLC, Sec. 9.2.1 Appeal the Decision of the ZEO's Notice of Violation dated 1/28/2019 regarding a 3rd unpermitted dwelling unit and storage of a commercial container. **POSTPONED**

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5. **85 Lafayette Street.** MBP 19/249/9. SFA-10, Catharina Hubers, owner, Vary sec. 3.2.4.2(2)(a) side-yard setback to 1.4' where 4' req.; 6.3.2 expansion of nonconforming structure; all to reconstruct nonconforming accessory structure and addition to same.

Ms. Hubers addressed the board. She said the barn required reconstruction and the addition of an existing garage. She said the South of the Green Historic District required preservation of an appropriate appearance. She said the existing garage would not accommodate modern cars.

DISCUSSION

Mr. Tuozzola confirmed that the structure would be in the original footprint. **Mr. Soda** clarified that there were currently 4 garage doors, such that the non-conformity was not being expanded. **Mr. Hirsch** confirmed that the front of the garage would be razed and rebuilt. **Mr. Soda** confirmed that back had already been repaired.

FAVOR

Ms. Greene noted that a letter of support from the neighbor directly across the street had been submitted.

Michael OGrady, 32 Green Street, said he was an abutting neighbor, that Ms. Hubers had improved the property and neighborhood, and expressed support.

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.

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

6. **51 Hillside Ave** MBP 49/723/3. R-5, John Neff, owner, Vary sec. 3.1.4.1 northerly side-yard setback to 1.2' where 10' req., southerly side-yard setback to 3' where 5' req.; to construct a single family residence.

John Gable, CT Consulting Engineers, addressed the board. He described the location and history of the parcel. He said the plan was to demolish the existing building and move it out of the VE flood zone. He said there's a portion of the site that is only 14' wide, creating a hardship.

DISCUSSION

Mr. Hirsch discussed the flood zones with Mr. Gable. **Mr. Tuozzola** confirmed the size of the new home. **Mr. Wolfe** discussed an abutting area with property owned by the city with a walkway encroaching on the property; **Mr. Gable** said his client is working with the City to address this.

FAVOR

John Neff, 230 Hawthorne Lane, Orange, said the house is so close to the road that parked cars create a safety issue. He said his plan would enhance the neighborhood. There was a discussion of parking and the slope of the lot.

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OPPOSED

Paul Drost, 64 Hillside Avenue, was concerned with a deeper encroachment to the park. **Mr. Tuozzola** extended an invitation to step to the dais and review the survey. After reviewing the plan, the objection was withdrawn.

REBUTTAL

Mr. Gable said his clients looked at saving the house but that its internal condition led them to decide to replace it.

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

7. 20 Tremont Street MBP 27/452/9. R-5, Dimos and Kathy Mitas, owners, Vary sec.; 3.1.4.1 side-yard setback to 2.9' where 5' req.; 4.1.4 proj. to 2' where 4' perm. to construct a single family residence.

Mr. Alvaro Suarez addressed the board. He described the lot and hardship of the peculiar lot shape. He said the second floor featured a balcony that was more nonconforming than the first floor.

DISCUSSION

Mr. Tuozzola confirmed there were few options in repositioning the house on the lot. **Mr. Hirsch** confirmed that the lot was vacant. **Mr. Soda** discussed the stair projection. **Ms. Valiquette** confirmed that the 2nd set of exterior stairs were for extra egress and access to a small backyard.

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. Hirsch** seconded. **Mr. Soda** supported the motion based on the hardship of the odd shaped lot; in accordance with submitted materials. The motion was defeated with **Messrs. Hirsch, Soda, and Tuozzola** voting **with the motion**, and **Mr. Wolfe** and **Ms. Valiquette** voting against the motion.

C. OLD BUSINESS-None

D. NEW BUSINESS-None

E. STAFF UPDATE-None

F. ACCEPTANCE OF MINUTES 8 January 2019: Approved.

G. ACCEPTANCE OF APPLICATIONS for 9 April 2019 hearing.

Adjournment was at 8:14 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