

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 May 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 11 May 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

Mr. Tuozzola called the meeting to order at 7:05 pm. He advised applicants that a quorum of 4 board members was present, but should any applicant wish to have a vote of 5, an extension would be needed; no applicants requested one for this reason. He asked **Mr. Dubois** to vote for Ms. Ferrante who was excused. He advised that the applicant for Item 2 had asked for an extension to June, pending receipt of a needed document.

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

ALTERNATES PRESENT: Gary Dubois

MEMBERS/ALTERNATES ABSENT: Michael Casey, Etan Hirsch, Sarah Ferrante, Christine Valiquette

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

B. CONSIDERATION OF AGENDA ITEMS

- 1) **1 Seabreeze Avenue** MBP 59/734/1; BD; Peter Massey., for PMDK Group LLC, applicant; Vary 5.5.4.1 to allow a restaurant serving alcohol less than 1500 feet from another restaurant serving alcohol in a BD zone.

Mr. Massey said his restaurant was close to the Bonfire Grille which required the variance request. He said he wanted to provide his customers with a service bar.

DISCUSSION

Mr. Wolfe asked about the relative location of the 2 restaurants.

FAVOR

Joe Honcz, 146 Hillside Ave, said he frequented the restaurant and supports the request.

OPPOSED

Attorney Kevin Curseaden, 3 Lafayette, said there was no hardship, and that the property has a deed restriction prohibiting sale of alcohol. He said a zone text amendment would be a better solution to arbitration of locating establishments serving alcohol in the city. He said he was speaking as a resident of Milford rather than as an attorney. He said the request is for a use variance that is specifically prohibited. For the record, **Mr. Harris** displayed the deed restriction.

Mr. Harris noted that there was only a partial submission received of the abutter notification, rendering the application defective.

Mr. Soda asked if the deed should be considered; **Mr. Harris** said it was outside the purview of the ZBA.

BOARD DISCUSSION

Mr. Soda motioned to **deny with a waiver to reapply**. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 2) **775 Oronoque Road** MBP 84/935/4; HDD; Dan Fitzsimmons, agent, for Southern CT Gas Company, owner; Vary Section 4.1.7.4 to replace existing 8' perimeter fence with 15' security fence. **EXTENSION GRANTED TO JUNE MEETING**
- 3) **146 Hillside Avenue** MBP 49/736/28; R-5; Christina and Joseph Honcz, owners; Vary 4.1.4 front-yard projection on the Soundview Avenue frontage to 4.5' where 8' permitted to construct a 15'-11" x 5.5' covered porch.

Mr. Honcz addressed the board. He said there was no porch on the house so in bad weather, there is no shelter when entering the house. He said packages left by the door, a routine occurrence during the pandemic, were also very insecure.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 May 2021

DISCUSSION

Mr. Soda clarified that the porch would be at grade.

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.

Mr. Soda motioned to **approve** based on hardship of corner lot. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 4) **708 Boston Post Road** MBP 76/918/1; CDD-1; Thomas Lynch, Esq., for 708 Boston Post Road, LLC, owner; Vary 5.3.5.1 to allow a 2nd ground sign along Boston Post Road for use by dental surgical center.

Attorney Lynch, 63 Cherry St, addressed the board. He reviewed the survey of the site. He introduced Dr. Ciuci and Dr. Perrone. He said the practice was formerly at 1 Golden Hill Street and acquiring this parcel allowed the practice to expand. He said a Special Permit was granted to build the complex, but the variance was required due to a technicality because the property originally consisted of 2 parcels which were consolidated. He said that there were formerly 2 ground signs—one for Starlander-Beck on one lot and the other for a former car dealership on the other. He shared a new proposed sign for the dental surgery center, but said that the old Starlander-Beck sign, which was to be preserved, must be moved out of the right of way, where it currently encroaches, and closer to the Starlander-Beck building. He said there have always been 2 signs on these sites and the hardship of losing one had arisen with the combination of the parcels.

DISCUSSION

Mr. Soda asked if each building would have its own address. He discussed the placement of the sign with Attorney Lynch. He agreed that 2 separate buildings should have 2 separate signs.

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.

Mr. Soda motioned to **approve** based on hardship of conjoined lots. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 5) **44 Point Beach Road** MBP 030/634/5; R-5; G. James Miller III, owner. Vary section 4.1.4 deck projection on the Coolridge Rd. frontage to 7' where 8' is required to construct a deck.

Mr. Miller addressed the board. He said he wanted to extend the existing deck. He said he could extend part of the deck by right but wishes to make the new deck flush with the existing deck by adding a foot to the size of the new deck.

DISCUSSION

Mr. Wolfe discussed the house's elevation for flood mitigation.

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.

Mr. Soda motioned to **approve** based on hardship of corner lot. **Mr. Wolfe** seconded. The motion carried with **Messrs. Dubois, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 May 2021

- C. NEW BUSINESS--Mr. Harris** said he has been considering the notion of writing draft motions for this board as is done with Planning and Zoning and Inland Wetlands. He reviewed a set of draft motions that would have been submitted for tonight's meeting. The members present reacted positively.
- D. OLD BUSINESS--None.**
- E. STAFF UPDATE – Mr. Harris** advised that the 6.4.2 merger regulation will be repealed on 5/21.
- F. ACCEPTANCE OF MINUTES** 13 April: Approved unanimously.
- G. ACCEPTANCE OF APPLICATIONS** for 8 June 2021 hearing; 775 Oronoque and one more have been discussed.

Adjournment was at 7:54 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