

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 8 June 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday 8 June 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 7:00 pm. He announced that 16 Norwood Avenue would be tabled to July and that 1 Seabreeze Avenue would be heard first.

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

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

**MEMBERS/ALTERNATES ABSENT:**

**STAFF PRESENT:** Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk; Joseph Griffith, DPLU Director

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

- 1) **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.

**Mr. Fitzsimmons** reviewed the request for a letter Department of Homeland Security citing federal regulations. **Mr. Soda** motioned and **Mr. Wolfe** seconded to **approve** based on Department of Homeland Security requirements in the submitted letter. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

**Mr. Fitzsimmons** provided an authorization letter from the Department of Homeland Security as requested by the board in April.

- 2) **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. Tuozzola** advised that lately submitted materials had demonstrated that the applicant needed additional variances were required due to proximity to a place of worship. **Mr. Harris** shared a map indicating a synagogue was approximately 260 feet away as well as the TriBeach recreational center, a place of public assembly. The board tabled the item to July to give the applicant time to respond to the new requirement.

**Phil Bianco**, owner of 1 Seabreeze Avenue, objected regarding Bonfire Grille being closer to the synagogue and selling alcohol. **Mr. Harris** said that this information was beyond the scope of the hearing because Bonfire Grille was not the subject of the application. Mr. Harris invited Mr. Massey to the office tomorrow to correct the application. The item was **tabled**.

- 3) **16 Norwood Avenue** MBP 39/605/3; R-10; Thomas Lynch, Esq., for Barbara Zink, owner; Vary Sec. 4.1.4 rear-yard deck stair projection to 10' and rear-yard deck to 15' where 21' permitted; 3.1.4.1 east-side setback to 5' where 10' required to construct a residence. **TABLED**

- 4) **46 Surf Avenue** MBP 76/918/1; R-5; Thomas Lynch, Esq., for, Warren K. Field, Jr., owner; Vary Sec. 4.1.4 rear deck projection to 14' where 16' permitted to construct a residence.

**Attorney Lynch**, 63 Cherry St, addressed the board. He shared the plot plan and advised that this home was the 3<sup>rd</sup> Residence constructed at 34 and 30 Surf Avenue and described the request as a slight variance for a deck projection into the rear yard. He said the hardship was the street line converging with the lot line making the lot wide enough but not deep enough.

### DISCUSSION

**Mr. Soda** asked about the size of the deck and confirmed that the house meets the setback.

### 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.

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**Mr. Soda** motioned to **approve** based on convergence of the street line. **Mr. Wolfe** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 5) **152 Housatonic Dr** MBP 14/16/1; R-10; Herbert Linn and Caroline Dennis, owners. Vary Sec. 4.1.7.1 to construct a 6' fence where 4' permitted in the front yard.

**Mr. Linn** addressed the board. He shared a screen depicting the plan for the fence height followed by **Mr. Harris** sharing a GIS map of the property and proposed placement of the 6' fence. He indicated that the 25' corner area ordinance would not be effected.

### **DISCUSSION**

**Mr. Tuozzola** stressed that other fences in the area had not been approved by the board and that the board strives not to set precedents. **Mr. Tuozzola** said he saw a 4' split rail fence on the property now and asked if the new fence would be solid, which Mr. Linn confirmed.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of or in opposition to the application; hearing none, closed the hearing. **Ms. Valiquette** said she felt the problem was tough problem due to setting a precedent of a high fence. She asked if the board might modify the request. **Mr. Wolfe** agreed, saying it was a tough call but that didn't like the idea of approving 120 linear feet of solid 6' privacy fencing near the street. **Mr. Soda** suggested approving 60' linear feet at 6', then the remaining 60' at 4', which would be followed by the 25' corner restriction along both Berkeley Terrace and Housatonic Drive.

**Mr. Wolfe** motioned to **approve with the following condition**: a 6' high fence starting at the eastern corner of Berkeley Terrace, running along Berkeley Terrace for 60' with remainder of the proposed fence limited to 4' in height. **Mr. Soda** seconded. The motion carried with **Mss. Ferrante** 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** 11 May: Approved unanimously.

**G. ACCEPTANCE OF APPLICATIONS** for 13 July 2021 hearing.

Adjournment was at 7:44 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