

Minutes, Public Hearing of Zoning Board of Appeals Meeting held June 11, 2013

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, June 11, 2013, 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 may have required Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT: Joseph Tuozzola (Ch), Howard Haberman (Sec) Richard Carey, John Collins, John Vaccino

ALTERNATES PRESENT: Gary Dubois, William Soda

MEMBERS/ALTERNATES ABSENT: Robert Thomas

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

Mr. Tuozzola called the meeting to order at 7:00 p.m.

Mr. Tuozzola asked for known conflict of interests for board members with any of the items on the agenda; none were raised.

C. CONSIDERATION OF AGENDA ITEMS

1. **12 Clinton Street cor. Alley "C"** (R-5) Andrew Hungaski, owner; Vary 3.1.4.1 rear-yd setback of 2.4' where 5' is required; side-yd to 2.2' where 4' is required to construct a garage. Map 71, Block 759, Parcel 11

Andrew Hungaski, 12 Clinton Street, Milford, addressed the board. Mr. Hungaski stated that he wished to replace his existing garage with a new one, enlarging it by 4' but with the increased size toward the interior part of his lot, out of consideration for his neighbors. He provided letters of support from his neighbors.

DISCUSSION

Mr. Collins and **Mr. Tuozzola** clarified details on the placement of the garage with reference to the house. **Mr. Vaccino** confirmed that the upper portion of the garage will be used as open space. **Mr. Haberman** said the garage couldn't be replaced without some type of variance.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Vaccino motioned in favor of application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the narrow lot, exactly as stated in record with no storage or living space above the garage. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

2. **25 Topfield Road** (R-10) John Paul Savoie and Keona Savoie, owners; Vary 3.1.4.1 front-yd setback of 20.9' where 25' is required. Map 25, Block 263, Parcel 20A

John Paul Savoie and Keona Savoie, 25 Topfield Road, Milford, addressed the board. Mr. Savoie noted that the variance requested was to allow construction of a 2nd floor addition. He said the hardship is that their property already has a nonconforming front yard due to the curve of the cul-de-sac. He said they want the addition to go straight up on the current foundation plus an addition into the rear yard that doesn't require a variance. He provided letters of support from their neighbors.

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FAVOR

Tony Candido and **Diane Candido**, 4 Topfield Road, described other homes in the neighborhood and stated that the Savoies were in the lot most affected by the cul de sac curve. They said they supported the project.

Victor Medina, 30 Topfield, also expressed support.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak 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. Haberman motioned in favor of application. **Mr. Carey** seconded. **Mr. Haberman** supported his motion by reason of the applicant not increasing an existing nonconformity and because the shape of lot creates a hardship. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

3. **12 Cooper Avenue** (R-5) Anthony Capese and Renee Capese, owners; Vary Sec. 4.1.4 east-side: house eave 6.7' where 8' allowed; stairs/landing of 4' where 8' allowed; house eave 3.2' where 8' allowed; deck 4' where 8' is allowed to elevate and relocate existing single family dwelling; Map 22, Block 459, Parcel 6

Anthony Capese, 12 Cooper Avenue, Milford, addressed the board. Mr. Capese noted that house is on nonconforming lot and very close to a road that floods frequently. He said that because they must elevate the house to mitigate flood risk, they want to use the opportunity to move the house away from the persistent road flooding and splashing as well. He noted an addition that will be made at the back of the house to extend the grade of the stairway, which will allow his elderly parents to climb them more easily.

DISCUSSION

Mr. Tuozzola confirmed that proposed deck at the rear of the house follows same line as the existing house. **Mr. Haberman** noted that an addition was being added on the back and is wider than the existing house, but not by much. **Mr. Capese** noted that lot is long but also narrow, so the back is the only place to extend the house.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Carey motioned in favor of application. **Mr. Collins** seconded. **Mr. Carey** supported his motion by reason of the hardship of the lot width and because a nonconformity is reduced by moving the house back. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

4. **102 Milford Point Road cor. Derby Avenue** (R-5) Robert Tobin, architect, for Margarita Barab, owner; Vary Sec. 4.1.1.4 reduction in setback for accessory structure from 8.5' to 1.5' @ B.F.E. and shed roof. Map 6, Block 85, Parcel 5

Robert Tobin, architect, Stratford, CT, addressed the board. Mr. Tobin noted that the lot is nonconforming and the house is being raised. He noted that the house was built in the late 1800s and that the garage, which is too narrow to accommodate a modern car, was built not long afterward. He said that all lot setbacks are nonconforming. He pointed out that he had moved the main entry stairs from the front to the back, where they fit better, and that he had added an ample landing. Doing so created the setback issue with the garage/shed.

DISCUSSION

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Mr. Tuozzola confirmed that parking will be added under the house, that the garage would be used as a shed because it is too small for a car, and that the existing stone driveway will remain. He asked if the width on the side of the house is adequate. Mr. Tobin said it would be unless neighbor puts up a fence, which would inhibit opening car doors, providing another advantage for parking under since this can be avoided. **Mr. Haberman** discussed the height of the deck.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or opposition to the application. Hearing none, he closed the hearing. During a short discussion **Mr. Haberman** expressed approval of alleviating on-street parking and **Mr. Tuozzola** praised the aesthetics of the elevation plan and the fact that it stays in the same footprint, there were no issues in dispute. **Mr. Tuozzola** asked for a motion.

Mr. Haberman motioned in favor of application. **Mr. Carey** seconded. **Mr. Haberman** supported his motion by reason of size of lot . The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

5. **136 Pullman Drive cor. Stiles Street** (R-A) John DeNezzo, owner; Vary Sec. 4.1.1.4 reduction in setback for accessory structure from 8' to 7'. Map 98, Block 801A, Parcel 21P

John DeNezzo, 163 Pullman Drive, Milford, addressed the board. Mr. DeNezzo noted that he had recently become aware of the problem of his pool being too close to 3-season porch. He said he has lived there 12 years. **Mr. Harris** added that this owner didn't create the hardship.

BOARD DISCUSSION

Mr. Tuozzola reviewed the status of the pool as preexisting and nonconforming. He asked if anyone wished to speak in favor of or 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. Vaccino commended the effort to legalize the structure and motioned **in favor of** application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of hardship of a preexisting illegal structure. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

6. **22 Ranch Road** (R-12.5) Dave Minter, builder, for Jennifer DelCegno and Derik DelCegno, owners; Vary Sec. 3.1.4.1 front-yd setback of 27.8' where 30' is required; 4.1.4 porch projection to 23.9' where 24' is allowed to add a second story and covered front entry; Map 28, Block 520 Parcel 21B

Dave Minter, 33 Landcaster Drive, Beacon Falls, CT, addressed the board. Mr. Minter noted that the survey had revealed the nonconformity and that the owner wanted only to expand a second floor right over the first floor without increasing the nonconformity.

FAVOR

Mr. Delcegno, 22 Ranch Road, stated that he's in favor of his addition.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak 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.

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Mr. Haberman motioned in favor of application. **Mr. Collins** seconded. **Mr. Haberman** supported his motion by reason of a preexisting nonconformity and because the project doesn't increase it. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

7. **73 Minuteman Drive** (R-12.5) Danielle Bercury, attorney for Deborah Juran and David Juran, owners; Vary Sec. 3.1.4.1 front-yd setback to 23' where 30' is required. Map 47, Block 529, Parcel 39A

Attorney Danielle Bercury, Harlow, Adams and Friedman, PC, 1 New Haven Avenue, Milford, CT, addressed the board. Attorney Bercury noted the presence of the Jurans. She described the project as a minor addition to the garage. She pointed out that the property is at the end of a cul de sac with a curved property line. The owners are trying to add kitchen storage and a mudroom to the back of the garage. She noted that in addition to the hardship of the curved property line, the property's backyard drops steeply, so there is little ability to build in back.

DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Haberman motioned in favor of application. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of curved road in front and the sloped lot. The motion carried with **Messrs. Carey, Collins, Haberman, Vaccino** and **Tuozzola** voting **with the motion**.

D. OLD BUSINESS

There was none.

E. NEW BUSINESS

There was none.

F. STAFF UPDATE

There was none.

G. ACCEPTANCE OF MINUTES FROM MAY 14, 2013, HEARING

Mr. Carey moved they be accepted; the motion carried unanimously.

H. ACCEPTANCE OF APPLICATIONS FOR JULY 9, 2013, HEARING

Mr. Harris reported 3 applications so far.

The meeting was adjourned at 7:40 p.m.

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