

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 14 June 2022

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 14 June 2022, beginning at 7:00 p.m., 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 advised that Item 2, 201 Kings Highway, and Item 4, 819 East Broadway, had been postponed per request of the applicants.

MEMBERS PRESENT: Sarah Ferrante, Gary Montano, William Soda, Chris Wolfe, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Gary Dubois, Carmina K. Hirsch, Mike Smith

MEMBERS/ALTERNATES ABSENT:

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

CONSIDERATION OF AGENDA ITEMS

1. **102 Melba Street** MBP 29/589/4A; R-5; Thomas Lynch, Esq., for Jose Tiago, owner; variance of Sec. 3.1.4.1. to allow building height of 38.5' where 35' permitted to allow flat roof design for addition to existing single-family residence. (CLOSED/TO BE VOTED).

BOARD DISCUSSION

Mr. Tuozzola reviewed the timeline of the application. He asked for discussion.

Mr. Soda said that the applicant's main goal was the roof design to incorporate the master bedroom. He said that if project approval was conditioned on removal of the roof hatch and air conditioning units located on the roof, he would be satisfied. **Mr. Tuozzola**, **Mr. Wolfe** and **Ms. Ferrante** agreed with that assessment. **Mr. Tuozzola** also noted that a height mistake was part of the original house.

Mr. Soda motioned to **approve** with a condition that no rooftop access would be provided from inside or outside the house and that no air conditioner be placed on the roof. **Ms. Ferrante** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Montano, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

2. **201 Kings Highway** MBP 59/737/15; R-7.5; Keith Ainsworth, Esq., for Peter Berglass, trustee of the Peter Berglass Revocable Living Trust, owner; appeal the decision of Building Official and Zoning Enforcement Officer in accordance with the provisions of Sec. 9.2.1 regarding decision to allow construction to commence without a building permit and failure to certify that the construction on a 65'x15' inground pool within the VE zone meets all requirements of the State Building Code at subject site. **(POSTPONED TO JULY PER APPLICANT REQUEST)**

3. **114 Merwin Avenue** MBP 59/737/15; R-7.5; Kevin Curseaden, Esq., for Peter Dreyer, owner; appeal the decision in accordance with the provisions of Sec. 9.2.1 regarding decision to issue a zoning permit dated 3/29/22 for the construction of a single-family house in violation of the zoning regulations and City Engineer's drainage concerns. (CLOSED/TO BE VOTED).

BOARD DISCUSSION

Mr. Tuozzola reviewed the status of the board's deliberations on the application. He asked Mr. Harris if he knew of any changes and whether the parties had come to an agreement; **Mr. Harris** said no new testimony or information could be allowed now that the hearing had been closed. **Mr. Montano** said he walked the property on Sunday but was advised by Mr. Harris that visiting the site after closure of the hearing represented new information. **Mr. Montano** therefore recused himself and Mr. Tuozzola asked **Ms. Hirsch** to vote in Mr. Montano's place. **Mr. Soda** said he was troubled that the builder had let more than a year lapse without providing a drainage report that would have settled the matter. He said he was a builder himself and that withholding a permit from a builder would force discussions with the City Engineer and Wetlands Officer about the missing information. **Mr. Wolfe** was concerned that no mitigation plan was provided about the drainage. **Mr. Soda** asked **Mr. Harris** what voting options existed; Mr. Harris said the motion could be to uphold the permitting decision, to overturn it (rescind the permit), or to modify the decision.

Mr. Soda motioned to **overturn the decision of the Zoning Enforcement Officer**. **Mr. Wolfe** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Hirsch, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

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4. **819 East Broadway** MBP 27/474/50-A; R-7.5; Kevin Curseaden, Esq., for Jason Garelick, owner; vary Section 3.1.4 northeasterly side-yard setback to 5.89' where 10' required. **(POSTPONED TO JULY PER APPLICANT REQUEST)**
5. **17 Silver Street** MBP 27/453/24; R-5; Breck MacNab for Peter Tiche, owner; vary Section 3.1.4.1 easterly side-yard setback to 4.5' where 5' required, 6.3.2 to expand nonconforming structure; all to add third floor.

Mr. MacNab, Jahnke Architecture, Hartford, addressed the board. He described the project as adding a 3rd floor and removing the gabled roof in favor of a flat one. He said the existing lot was nonconforming. He reviewed floor plans and elevations, providing detail on the project.

DISCUSSION

Ms. Soda asked how the existing nonconformity was being expanded; **Mr. Harris** clarified.

BOARD DISCUSSION

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

FAVOR

Ms. Greene noted that 3 letters of support were submitted from close abutters.

Mr. Tuozzola then closed the hearing and asked for a motion.

Mr. Wolfe motioned to **approve** based on the existing nonconformity. **Mr. Soda** seconded. The motion carried with **Ms. Ferrante** and **Messrs. Montano, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- A. NEW BUSINESS
- B. OLD BUSINESS
- C. STAFF UPDATE
- D. ACCEPTANCE OF MINUTES FROM 10 MAY 2022 HEARING was unanimous.
- E. ACCEPTANCE OF APPLICATIONS FOR 12 JULY 2022 HEARING

Adjournment was at **7:23 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:

M.E. Greene, Clerk, ZBA