

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held August 13, 2013**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, August 13, 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 Vaccino

**ALTERNATES PRESENT:** Gary Dubois, William Soda, Robert Thomas

**MEMBERS/ALTERNATES ABSENT:** John Collins

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

**Mr. Tuozzola** called the meeting to order at 7:02 p.m.

**Mr. Tuozzola** asked for known conflicts of interest for board members with any of the items on the agenda; none were raised. He announced that because Mr. Collins could not attend the meeting, **Mr. Soda** would provide the fifth vote for the evening.

### **C. CONSIDERATION OF AGENDA ITEMS**

1. **123 Hillside Avenue** (R-5) Stewart Nodelman, agent, for Nick Gutfeld and Miriam Gutfeld, owners; Vary 3.1.4.1 north side-yd setback of 3.5' & 3.39', where 5' is req; south side-yd to 4.74', 3.69' & 5' where 10' is req. to elevate and relocate a single family dwelling; Map 49, Block 795, Parcel 89

**Stewart Nodelman**, 23 Grove Hill Street, Woodbridge, addressed the board. He said the intention was to move the house into the AE flood zone from the VE flood zone while elevating it 8', to convert the garage into a shed, and to remove an existing chimney.

#### DISCUSSION

**Mr. Haberman** confirmed that house size will be reduced; **Mr. Nodelman** provided details.

#### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in favor of or opposition to the application. Hearing none, he closed the hearing. **Mr. Haberman** noted the reduction in non-conformity. **Mr. Vaccino** noted that moving house forward didn't affect the setbacks. After a short discussion, there were no issues in dispute, so **Mr. Tuozzola** asked for a motion.

**Mr. Vaccino** motioned in favor of the application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of reducing nonconformity on a narrow lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting with the motion.

2. **69 Noble Avenue** (SFA-10) Robert Black, owner; Vary 3.2.4.2 side-yd setback to 8.1' where 10' is req.; front-yd setback to 17.8' where 20' is req.; vary sec. 4.1.4 cantilever proj. of 15.5' where 16' is perm., porch to 11.5 where 16' is perm. to add 2<sup>nd</sup> story to single-family home. Map 39, Block 611, Parcel 2

**Robert Black**, 69 Noble Avenue, Milford, addressed the board. He said the house was a 1-½ story structure, and that he wants to add a 2<sup>nd</sup> floor and add 2' to the porch.

#### DISCUSSION

**Mr. Haberman** said. **Mr. Tuozzola** confirmed the location of the requested variances. **Mr. Harris** added information about the compass location of the variances.

#### FAVOR

**Alexis Black**, 67 Noble Street, spoke in support of the project. **Mr. Tuozzola** noted several letters on file in support of the project.

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### **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 the application. **Mr. Carey** seconded. **Mr. Haberman** supported his motion by reason of hardship of the narrow lot and position of house on lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

3. **85 Terrace Road** (R-10) Richard Piselli, owner; Vary Sec. 4.1.4 proj. of 15.5 where 20' is perm to construct a portico; Map 31, Block 611, Parcel 2

**Richard Piselli**, 201 West Main Street, Milford, addressed the board. He said there is an existing nonconforming entryway that should be replaced. He said the nonconformity will be decreased slightly and that the entrance will be moved to the center of the house. He said the design would be in keeping with the New England style of architecture in the neighborhood.

### **DISCUSSION**

**Mr. Vaccino** confirmed that a porch and stairs will be added in back.

### **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. Haberman** noted that the existing nonconformity is being reduced and an aesthetic improvement is being made. **Mr. Vaccino** motioned in favor of the application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of reduction of an existing nonconformity, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

4. **9 Marsh Street** (R-5) Justin Falco and Chris Saley, agents, for Cedar Properties, LLC, owners; Vary Sec. 3.1.4.1 rear-  
yd setback to 5.6' where 20' req. to construct new single family home. Map 6, Block 87, Parcel 18

**Justin Falco**, 1 Sand Street, Milford, addressed the board. He described the hardship as a post-Storm-Sandy 75% Substantial Damage Estimate meaning that the residence must be elevated. He said he had considered lifting the existing house, but that he didn't think the structure would sustain it. He noted the elimination of slight nonconformities at the side and front of the structure. He stated that a rear porch and door that formerly encroached on the setback were to be removed. He noted that new off-street parking would be provided.

### **DISCUSSION**

**Mr. Soda** confirmed that the stairs to reach house will be located inside the garage.

### **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. Haberman** and **Mr. Vaccino** both commended the project for the limited nature of the variance request in light of an extraordinarily small lot. **Mr. Vaccino** noted the removal of an existing shed. **Mr. Vaccino** motioned in favor of the application. **Mr. Carey** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the extreme small size of lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

5. **15 Blair Street** (R-5) Richard Amione, owner; Vary Sec. 3.1.4.1 side-  
proj to 6.4' where 8' perm to elevate existing house. Map 27, Block 452, Parcel 14

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**John Wicko**, architect, 50 broad Street, Milford, addressed the board. He said Blair is a finger street of East Broadway, noting the flood damage experienced there, and stated that the house will be raised to mitigate an AE 12 flood zone designation. He said parking will be provided under the home and that lifting the house required removal and rebuilding of the front porch with new entry stairs. He described the hardship as the lot being 2700 sq' in R-5 zone with very short width. He said side yards are being extended but will be no worse than the existing encroachments. He shared construction plans, drawings, and floor plans, noting that the foundation will have flood vents.

### **DISCUSSION**

**Mr. Vaccino** questioned placement of the notification placard and after discussion with the owner, the board was satisfied that it had been displayed properly.

### **BOARD DISCUSSION**

**Mr. Tuozzola** asked if anyone wished to speak in favor of or opposition to the application. Hearing none, he closed the hearing. He praised the limited nature of the request and the tasteful aesthetic of the proposed plan. After a short discussion, there were no issues in dispute, so he asked for a motion.

**Mr. Haberman** motioned in favor of the application. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of hardship of the narrow, small lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

6. **69 Clark Hill Road** (R-12.5) Scott Mason, agent, for Michael Falkowski, owner; Vary Sec. 3.1.4.1 side-yd setback to 8.4' where 10' req to construct second story on portion of building. Map 57, Block 712, Parcel 51

**Scott Mason** of Mason Bros. Construction, 211 Plains Rd, Milford, addressed the board. Mr. Mason stated that second floor was being added to accommodate a growing family. He said the hardship was the narrow lot.

### **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 the application. **Mr. Haberman** seconded. **Mr. Carey** supported his motion by reason of hardship of the narrow lot, as well as an existing nonconformity that would not be increased, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

7. **24 Seaview Avenue** (R-10) James Seaman and Penny Seaman, owners; CAM REQUIRED; Vary Sec. 3.1.4.1 front-yd setback to 15.9' where 25' is req for addition to and elevation of single family home. Map 9, Block 130, Parcel 4A

**John Gable, Connecticut Construction Engineers**, One Prestige Avenue, Meriden, addressed the board. He said the hardship was a small, narrow, preexisting-nonconforming lot; and that the owners want to expand the existing home toward the street line. He noted that the plan meets all other City and Laurel Beach Association requirements.

### **DISCUSSION**

**Mr. Tuozzola** confirmed current setback measurements. **Mr. Haberman** confirmed that a garage would be added. **Mr. Tuozzola** confirmed that other area homes had a similar front facade.

### **FAVOR**

**Mr. Tuozzola** noted a letter in support of the project. **Ms. Seaman** (owner) expressed support for the project and provided additional detail.

**Tara Glennon**, 23 Seaview Avenue, expressed support.

### **BOARD DISCUSSION**

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**Mr. Haberman** motioned in favor of the application. **Mr. Carey** seconded. **Mr. Haberman** supported his motion by reason of hardship of the size and narrowness lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, and Tuozzola** voting **with the motion**.

8. **2 Lawrence Court** (R-5) Cal Mooney, agent, for Allen Desrosiers and Terry Desrosiers, owners; CAM REQUIRED; Vary Sec. 3.1.4.1 (east) side-yd setback to 4' where 10' is req; Sec. 4.1.4 front-yd stair proj to 6' where 8' perm, 2<sup>nd</sup>-story deck proj to 6' where 8' is perm for a new single family home. Map 28, Block 579, Parcel 3

**Cal Mooney**, builder, 5976 Main Street, Trumbull, addressed the board. He said that several months ago the same address was approved for a variance to lift the existing house, but it had since become clear that the house couldn't sustain an elevation. The owners were now asking to demolish the existing house and rebuild on essentially the same spot. He described the hardship as narrow lot.

### **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. Haberman** motioned in favor of the application. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of hardship of the small lot, restricting approval to the exact plan submitted. The motion carried with **Messrs. Carey, Haberman, Vaccino, Soda, 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 JULY 9, 2013, HEARING**

**Mr. Haberman** moved they be accepted; the motion carried unanimously.

### **H. ACCEPTANCE OF APPLICATIONS FOR SEPTEMBER 10, 2013, HEARING**

**Mr. Harris** reported 3 applications so far.

The meeting was adjourned at 7:45 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