

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 10 September 2019

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 10 September 2019, 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 require Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

Mr. Tuozzola asked for board member conflicts of interest with any agenda items; none were raised. He asked attendees from the previous meeting on August 13th to vote on the first item as it was a continuance. **Mssrs. Hirsch** and **Dubois** were to vote in place of Mss. Ferrante and Valiquette on Item 1.

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

ALTERNATES PRESENT: Gary Dubois, Etan Hirsch

MEMBERS/ALTERNATES ABSENT: Michael Casey

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

B. CONSIDERATION OF AGENDA ITEMS

1. **31 Wood Avenue**, MBP 13/117/16, R-5, James McElroy, architect, for Michael Tarantino, owner; Vary Sec. 3.1.4.1 side-yard setback to 5' where 10' req; all to construct new single family dwelling. **(Cont. from 8/13/19).**

Mr. McElroy briefly summarized his previous presentation.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Soda motioned to **approve**. **Mr. Wolfe** seconded. **Mr. Soda** supported the motion based on the hardship of the narrow lot; in accordance with submitted materials. The motion carried with **Messrs. Dubois, Hirsch, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

2. **756 New Haven Avenue**, MBP 68/711/14, R-18, Kristen Porter, owner, Vary Sec. 3.1.4.1 east side-yard setback to 7.9' where 15' req.; to construct an addition.

Ms. Porter addressed the board. She said she wished to put a bedroom on the east side of the house where an usually large easement exists. She said she understood that personal circumstances were not considered in variance votes, but that the addition was to provide a much-needed bedroom for her child.

DISCUSSION

Mr. Tuozzola said he could see that no variance would be required if no easement existed. **Mr. Harris** clarified the use of the driveway to access the rear lot and another lot. **Mr. Hirsch** confirmed that the variance would not hinder access.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Soda motioned to **approve**. **Mr. Wolfe** seconded. **Mr. Soda** supported the motion based on the hardship of the easement; in accordance with submitted materials. The motion carried with **Mss. Ferrante** and **Valiquette** and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

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3. **47 Stowe Avenue**, MBP 13/146/14A, R-5, Jim Denno, agent, for Vincent Sorrentino, owner, Vary Sec. 4.1.4 rear-deck to be located 5' from the rear lot line where 16' permitted.

Mr. Sorrentino addressed the board. He said his deck was in disrepair and he replaced it, not realizing the previous deck was out of compliance with the setback. Having become aware that the deck required legalization, he applied for the variance.

DISCUSSION

Mr. Tuozzola discussed the relative size of the former and present deck. **Ms. Valiquette** said she thought the structure was similar to many decks and outbuildings in the immediate area.

BOARD DISCUSSION

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

Ms. Valiquette motioned to **approve**. **Mr. Soda** seconded. **Mr. Valiquette** supported the motion based on the hardship of the deck being in disrepair and the owner's desire to legalize it; in accordance with submitted materials. The motion carried with **Mss. Ferrante** and **Valiquette** and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

4. **33 Benham Avenue**, MBP 16/151/9, CDD-2, Paul Harris, agent for Sitta Harris, owner, Vary Sec. 3.17.4.2(2) front-yard setback to 5' where 10' req.; to construct new shed.

Mr. Harris addressed the board. He said the property was a through lot so the shed they wished to construct would be in one of the front yards.

DISCUSSION

Mr. Hirsch discussed the placement of the shed. **Mr. Soda** confirmed that the yard was to be fenced and that the shed wouldn't be very visible. **Ms. Ferrante** said the fact that the rear lot had no abutters also minimized the problem.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or 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. Soda motioned to **approve**. **Mr. Wolfe** seconded. **Mr. Soda** supported the motion based on the hardship of two front yards; in accordance with submitted materials. The motion carried with **Mss. Ferrante** and **Valiquette** and **Messrs. Soda, Wolfe** and **Tuozzola** voting **with the motion**.

5. **2-4 Broad Street**, MBP 54/402/8, MCDD, Thomas Lynch, Esq., for Instant Replay Bar & Restaurant, LLC, applicant, and 2-4 Broad Street, LLC, owner; Vary sec. 5.5.4.2 to allow café liquor permit within 1500' of another permit location to establish new café business.

Attorney Lynch addressed the board. He said the restaurant owners were present and that they wanted to create a bar and restaurant with a sports theme. He stated that there would be subsequent applications presented to the Planning and Zoning Board if the variance application was approved. He said the request was similar with others he had presented to the ZBA in recent years. He noted that the state liquor permits require a local zoning sign-off and the Milford Regulations contain a 1500' restriction that must be addressed with each new business serving liquor. He reviewed the density of restaurants in the MCDD zone. He summarized the business credentials of his clients,

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highlighting their commitment to improve the building's appearance, including a new façade by architect John Wicko.

DISCUSSION

Mr. Tuozzola confirmed that a small outdoor dining area would be located on the front sidewalk, subject to approval by the Planning and Zoning Board. He also confirmed that spaces associated with the adjacent addresses of 2 Broad Street and 4 Broad Street would be combined for the use.

FAVOR

Kate Howard, 105-D East Broadway, described her background and her desire to open a restaurant in Milford.

Attorney Lynch said **Milford Economic Director Julie Nash** had indicated approval for the restaurant in previous conversations with him, saying she had told him that she planned to attend and speak in favor.

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. Soda motioned to **approve**. **Ms. Ferrante** seconded. **Mr. Soda** supported the motion based on the hardship of being too close to other businesses serving liquor ; in accordance with submitted materials. The motion carried with **Mss. Ferrante and Valiquette** and **Messrs. Soda, Wolfe and Tuozzola** voting **with the motion**.

C. NEW BUSINESS-None

D. OLD BUSINESS-None

E. STAFF UPDATE-

F. ACCEPTANCE OF MINUTES 13 August 2019: Approved.

G. ACCEPTANCE OF APPLICATIONS for 8 October 2019 hearing: none so far.

Adjournment was at 7:31 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