

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 13 September 2016**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 13 September 2016, 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**

**MEMBERS PRESENT:** Joseph Tuozzola (Ch), Howard Haberman (Sec), William Soda, John Vaccino

**ALTERNATES PRESENT:** Robert Thomas

**MEMBERS/ALTERNATES ABSENT:** Gary Dubois, Alison Rose Egelson, Sarah Ferrante

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

**Mr. Tuozzola** called the meeting to order at 7:00 p.m. He asked Mr. Thomas to fill in for Ms. Ferrante, and for conflicts of interest for board members with any agenda items; none were raised.

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

1. **12 Daniel Street** (MCDD) Walied Hanaif, for VP on Daniel Street, LLC, owner; Sec 5.1.4 (7): vary to zero parking spaces where 15 req. for new restaurant; M54, B399, P2C.

**Barsha Mehta, 38 Farmview Road, Bethany**, addressed the board, stating that the restaurant required parking where none is available for the address. There is limited street-parking nearby. The restaurant will feature Mediterranean food.

#### DISCUSSION

**Mr. Haberman** confirmed that no bar was in the eatery, and that it would stay open until about midnight or 1:00AM.

#### FAVOR

**Mr. Hanaif**, 242 Prospect Street, Ansonia, stated that he was in favor of the application.

#### OPPOSED

**Ms. Greene** noted that an email was received in opposition from **Frank Johnson, Esq.**, 35 River Street.

#### REBUTTAL

**Ms. Mehta** said the hardship was that the location was already zoned for a restaurant and that onsite parking doesn't exist. She said she thought that because the letter of opposition was from the owner of a nearby restaurant, there was probably a fear of competition.

#### BOARD DISCUSSION

**Mr. Soda** said he had no problem with the application, that there are other restaurants in the area, and that he felt competition is healthy.

**Mr. Soda** motioned to **approve**. **Mr. Haberman** seconded. **Mr. Soda** supported his motion by reason of hardship of no parking spaces. The motion carried with **Messrs. Haberman, Soda, Thomas, Vaccino**, and **Tuozzola** voting **with the motion**.

2. **9 East Avenue** (R-7.5) Richard Couch, P.E., for Spencer Hoyt, owner; Sec. 3.1.4.1: vary south side-yp setback to 2.4' where 5' req ; Sec. 4.1.4 : vary south front deck proj. to 3.5' where 4' perm, south eave proj. to 1.9' where 4' perm., north deck proj. to 5.6' where 8' perm., Sec. 6.3.2 exp of non-conforming bldg (incr bldg width by 1'); M38, B558, P100.

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**Mr. Matt Ranaldo**, of Martinez, Couch and Associates, LLC, 1084 Cromwell Avenue, Cromwell, addressed the board. He stated that the hardship was the narrowness of the lot, and that a nonconformity was being removed. A discussion ensued about the nature of hardships considered by the Zoning Board of Appeals, and the exceptionality of the lot with reference to other properties.

### **DISCUSSION**

**Mr. Soda** confirmed that the stairs and deck were on a separate foundation and were 42" wide plus a 6" access. He suggested a maximum of 42" but **Mr. Ranaldo** said the width had been designed to accommodate a chair lift in the future, should one be needed.

### **FAVOR**

**Janet Hall**, 1250 Dunbar Hill Road, Hamden, spoke in favor due to her concerns about the safety of her father-in-law.

### **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 to **approve**. **Mr. Thomas** seconded. **Mr. Haberman** supported his motion by reason of hardship of the narrow lot, exactly per the submitted materials. The motion carried with **Messrs. Haberman, Soda, Thomas, Vaccino**, and **Tuozzola** voting **with the motion**.

3. **93 Thompson Street** (R-7.5) Joseph R. Codespoti, agent, for William Scholl Estate, owner; Sec. 3.1.4.1: vary west front-yp setback to 14.6' where 20' req., Sec. 4.1.4 vary west porch proj. to 15' where 16' perm; step proj. to 11.1' where 16' perm to construct new single family home; M27, B442, P40.

**Attorney Thomas Lynch**, of Lynch, Trembicki and Boynton, 63 Cherry Street, addressed the board. He stated that he represented the contract purchaser of the site from the Scholl Estate. He reviewed the history of the house and the plans submitted by Mr. Codespoti. He described the nonconformities and the reduction of 2 existing nonconformities. He noted a large area of wetlands behind the property where no construction can take place. He said the front area where the house would be is narrow. He also noted the presence of a small parcel of land owned by the City of Milford created by the addition of Surf Avenue in the early 20<sup>th</sup> century. He said the amount of frontage was actually larger due to this parcel. He noted a handout he had provided consisting of an overview of Surf Avenue which shows a great amount of frontage relative to other properties on the street.

**Joseph R. Codespoti**, Codespoti and Associates, 263 Boston Post Rd, Orange, reviewed the survey and the way the lot was created. He said the house would be relocated and raised above the flood risk. He said the house would be set further back than other houses on the street.

### **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 to **approve**. **Mr. Soda** seconded. **Mr. Vaccino** supported his motion by reason of hardship of the narrow lot, wetlands, reduction of the nonconformity, exactly per the submitted materials. The motion carried with **Messrs. Haberman, Soda, Thomas, Vaccino**, and **Tuozzola** voting **with the motion**.

4. **264 High Street** (RMF-16) Christopher Cody, Esq., for Milford Redevelopment and Housing, owners; Sec. 5.3.4.1 vary to install 2 signs totaling 44 sf where 9 sf are perm.; M65, B323, P16.

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**Attorney Cody, Cody and Gonillo, 185 Broad St,** addressed the board. He described the building's origin in 1963 and its subsequent development. He said funding was secured to redo the building's façade, which created an opportunity to upgrade signage on the building. He provided photographs depicting the building's renovation with an area depicting the signage area that would be allowed by right, noting that it was very small relative to the façade, and that it was not adequate for drivers to identify the building. He compared the photographs to the original sketch submitted with the application. Then he provided an illustration of what the illuminated sign would look like. He compared signage for other smaller condominiums. He noted general enhancements planned for the aesthetics of the building.

### **DISCUSSION**

**Mr. Tuozzola** expressed concern about the illumination and the size of the proposed signage. **Mr. Soda** discussed the residential versus commercial nature of the sign. He asked **Mr. Harris** to clarify the nature of the building, which Mr. Harris characterized as a 5-story nonconforming residential structure. **Mr. Haberman** said he thought a sign measuring 9 square feet was probably inadequate signage, but he also thought that a 44-square-foot sign might be too much. **Attorney Cody** said the lighting wasn't meant to be overwhelming and that the lighting design conforms to regulations. **Mr. Haberman** said he thought the lighting was more in keeping with a city building rather than a suburban building. **Attorney Cody** said the letters themselves represent a smaller square footage calculation. **Mr. Soda** asked if smaller lit signage had been considered. **Mr. Tuozzola** noted the possibility of denial without prejudice to let the applicant present a more modest proposal.

### **FAVOR**

**Joel Yenko**, General Manager, Holzner Construction, 596 John Street, Bridgeport, said his firm was the general and electrical contractor and was available to answer questions.

**Charles Montalbano**, 30 Revere Place, said he chaired the Milford Redevelopment and Housing Commission. He said Foran Towers is a rare example of public housing and is noted for its architectural appeal. He described the intention of the building upgrade and the project signage.

**Bryan Anderson**, 49 Ingersol Road, aldermanic liaison to the Milford Redevelopment and Housing Commission, said Anthony Vasselio and the other commissioners had taken steps to improve the façade, remove scaffolding, and honor a prominent citizen of Milford. He noted the distance into the complex from High Street and the need to identify the location of the facility. He said the lighting is comparable to another apartment complex nearby.

**Chris O'Neill**, Quisenberry Arcari Assoc, 318 Main Street, Farmington, said the sign would help identify the location of the site and didn't think it would disrupt the neighborhood.

**Anthony Vasselio**, Executive Director, said when project was considered, intent was to add value and be a signature building. He said the aesthetic of the building was soft and meant to be in character with the building. He said the illumination would be muted. He described the building's namesake, Henry Foran, who was a commissioner for the Milford Housing Authority for many years.

### **OPPOSED**

**Ellen Velasquez**, 265 High Street, said she has watched development on the building and that electrification has started. She said the proposed lighting would project into her sitting room and that the proposed design reminded her of a hotel. She said several High Street homes are historic, dating to the 1700s and 1800s. She said she didn't think the design would fit the neighborhood. She said the present sign was old, but that it could be replaced. She disputed the idea that it is difficult to see the building from the street.

### **REBUTTAL**

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**Joel Yencho** said the original plan was for spot lights, but that LED backlighting was chosen. He said the installation of the electrical boxes was done at their risk. He said the total lumens for the entire sign installation would be 5500.

### **BOARD DISCUSSION**

**Mr. Tuozzola** said he felt the signs were too large for a residential area. **Mr. Haberman** said he understood the sign limit was too small for the building, but agreed with **Mr. Soda** that the sign could be put lower to the ground.

**Mr. Soda** motioned to deny without prejudice. **Mr. Haberman** seconded. The motion carried with **Messrs. Haberman, Soda, Thomas, Vaccino, and Tuozzola** voting **with the motion**.

5. **46 Lilac Lane** (R-12.5) Michael Shedlock, owner; Sec. 3.1.4.1 vary side-yd setback to 5.8' where 10' req. to construct attached garage; M92, B704, P1X.

**Mr. Shedlock** addressed the board. He handed out additional materials and described the project. He provided a letter from neighbors with signatures of support.

### **DISCUSSION**

**Mr. Tuozzola** confirmed that the wider side had utilities that had to be avoided.

### **FAVOR**

The submitted letter of signatures has been noted. **Ms. Greene** also said an email of support was received earlier.

### **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**. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of hardship of the narrow lot, exactly per the submitted materials. The motion carried with **Messrs. Haberman, Soda, Thomas, Vaccino, and Tuozzola** voting **with the motion**.

6. **22 Robin Lane** (R-12.5) Timothy Lee, Esq., for Vantage Group, Inc., owner; Sec. 3.1.1.1(2) vary to allow a community residence to house 7 individuals where 4 are permitted under the regulation and 6 exist as a nonconformity; Sec. 6.2.1 vary to increase an existing nonconformity; M56, B529, P56C.

**Attorney Lee** of Fasano, Ippolito & Lee, 388 Orange St, New Haven, addressed the board. He noted the presence of the Rick Pittman, Executive Director of the Vantage Group. He stated that his client, Vantage Group, was a nonprofit organization that provides housing for mentally disabled individuals. He noted that the group home originally conformed to the 6-person limit in Milford zoning. He noted that there are 8 bedrooms to house 7 residents and a caregiver. He said the property was on a dead-end road with wetlands nearby. He noted that neighbors had complained about vehicles on the street and acknowledged that 2 handicapped vans are often parked there. He said a CT state grant would fund 10 parking spaces to be added onto the property to alleviate street parking. He noted protections provided by the Americans with Disabilities Act that requires reasonable accommodations for persons with disabilities. He said the addition of another resident will not put an undue burden on the neighborhood.

### **DISCUSSION**

**Mr. Tuozzola** discussed the number of bedrooms with Attorney Lee. Mr. Haberman asked if 8 bedrooms were part of the original home, the question could not be answered.

### **FAVOR**

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None spoke.

### OPPOSED

**Cheri Scholl**, 19 Robin Lane, said she had coexisted with the home for many years. She said she wanted no more than 4 people in the home. She said 6 cars were parked in the street and that it caused problems with backing into the street, snow removal, deliveries, and a large amount of garbage. She said staff did not note the garbage collection schedule. She said she was sympathetic to the need for this housing, but that it was impacting her.

**Rosemary Esposito**, 12 Robin Lane, said she thought they are good neighbors, but she also had trouble with parking. She said she had not seen plans for off-street parking. She said emergency vehicles already have trouble getting to the home when a resident has a problem.

**Leslie Callahan**, 4 Robin Lane, said she was a long-time resident. She said the original resident who owned the house, when it was a private residence, did not have that many bedrooms. She said she was shocked at the floor plan. She said the parking situation was bad. She questioned the occupation of the current 8 bedrooms.

**Juan Caicedo**, 11 Robin Lane, said the garbage accumulation was a problem. He said one of the residents sometimes comes out and uses profanity. He said it upsets his children.

### REBUTTAL

Attorney Lee described the occupants. He said there were 6 residents and 1 or 2 staff members. One room is storage and the other is a staff office.

### DISCUSSION

**Mr. Tuozzola** expressed concern about the current problems. **Mr. Vaccino** asked to see plans for expanded parking. **Mr. Pittman** provided a drawing. **Mr. Soda** asked how the garbage was going to be handled. **Mr. Pittman** said trash cans were to be moved to a new location behind the house. **Mr. Vaccino** asked for next steps for the parking spaces. **Attorney Lee** said that ZEO Harris asked that a site plan be prepared to document the new parking area and trash storage area as a condition for accepting the additional individual. **Mr. Tuozzola** asked Attorney Lee to clarify the Americans with Disabilities Act law, which **Attorney Lee** did.

### BOARD DISCUSSION

**Mr. Soda** motioned to **approve with conditions: (1) scaled site plan showing 10 parking place and a trash containment plan, and (2) no additional persons should be allowed to reside in the home unless these conditions are met.** **Mr. Haberman** seconded. The motion carried with **Haberman, Soda, Thomas, Vaccino, and Tuozzola** voting with the motion.

### **B. OLD BUSINESS**

**C. NEW BUSINESS** **Ms. Greene** noted that the **226 Second Ave** would be heard in court.

### **D. STAFF UPDATE**

**F. ACCEPTANCE OF MINUTES FROM 9 AUGUST 2016 HEARING:** **Mr. Vaccino** moved to approve the minutes.

**G. ACCEPTANCE OF APPLICATIONS FOR 11 OCTOBER 2016 HEARING:** The meeting was adjourned at 8:55.

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