

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 October 2016**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 11 October 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), Sarah Ferrante, William Soda, John Vaccino

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

**MEMBERS/ALTERNATES ABSENT:** Alison Rose Egelson

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

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

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

1. **11 Chetwood Street** (R-5) Rafael Amaya, architect, for Barbara DeGoursey and Charles DeGoursey, owners; Sec 4.1.4, vary setback to 2.5' where 4' req. for construction of elevator lift on westerly lot line; M22, B456, P53.

**Mr. Amaya**, Amaya Architects, 284 Racebrook Road, Orange, addressed the board. He distributed detailed drawings and photographs for accommodation of a lift to help Ms. DeGoursey get into the house. He said the Department of Housing reviewed her health issues and has approved modifications to the original plan, but a variance is required.

#### DISCUSSION

**Mr. Tuozzola** confirmed that the elevator will be attached to the outside of the house. He asked Mr. Amaya to approach the dais and reviewed the drawings with the board. **Mr. Soda** confirmed that the lift would go up one floor. **Mr. Amaya** described where the homeowner would enter the lift on each floor.

#### FAVOR

**Barbara DeGoursey**, 11 Chetwood Street, said she needed the lift for health reasons.

#### 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 **Ms. Ferrante** and **Messrs. Haberman, Soda, Vaccino, and Tuozzola** voting **with the motion**.

2. **34 Elaine Road** (R-5) Rafael Amaya, architect, for Barbra Werner, owner; Sec. 3.1.4.1, vary side-yp setback to 4.6' where 5' req. for previous addition built in the wrong location to rear of house along north lot line; M30, B639, P14.

**Mr. Amaya**, Amaya Architects, 284 Racebrook Road, Orange, addressed the board. He provided additional materials for the board to review. He said the original plans complied with zoning regulations, but that construction had inadvertently encroached into the setback. He said the house already had a Certificate of Occupancy when the encroachment was detected.

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### **DISCUSSION**

**Mr. Soda** questioned why an As-Built Survey was not required, which would have revealed the encroachment. **Mr. Harris** said As-Built Surveys are generally not required for additions; only for new construction.

### **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. Soda** motioned to **approve**. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of setting the record straight, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Haberman, Soda, Vaccino,** and **Tuozzola** voting **with the motion**.

**B. OLD BUSINESS**-None

**C. NEW BUSINESS**-None

**D. STAFF UPDATE**-None

**F. ACCEPTANCE OF MINUTES FROM 13 SEPTEMBER 2016 HEARING** Minutes were approved.

**G. ACCEPTANCE OF APPLICATIONS FOR 8 NOVEMBER 2016 HEARING** One had been received and perhaps two more were anticipated. **Mr. Tuozzola** noted that he would be away for the November meeting. He asked **Mr. Haberman** to chair the meeting in his absence and **Mr. Vaccino** to act as board secretary.

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