

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 November 2021

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 9 November 2021, beginning at 7:00 p.m. remotely, 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 called the meeting to order at 7:06 pm. He said the first item, 22 Broad Street, had been withdrawn. He congratulated board members who had been elected in their districts the previous week. NOTE: **Mr. Dubois** voted in Ms. Ferrante's absence for the first item; **Mr. Casey** voted in her absence for the last 2 items as Mr. Dubois had not yet heard the October proceedings.

MEMBERS PRESENT: Chris Wolfe, William Soda, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Michael Casey, Gary Dubois

MEMBERS/ALTERNATES ABSENT: Sarah Ferrante, Etan Hirsch, Christine Valiquette

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

CONSIDERATION OF AGENDA ITEMS

- 1) **58 Laurel Avenue** MBP 16/146/10, R-5; Kevin Curseaden, Esq., attorney for Sachin Anand, owner; Vary Sec. 4.1.4 rear deck/stair projection to 3.7' where 16' req.

Attorney Curseaden addressed the board. He said that his client, Sonny Anand, was present. He described the project and the hardship due to the size of the lot. He said the existing house was being refurbished by Mr. Anand, and the requirement for a second means of ingress/egress would be provided by a stoop or deck in the rear. He said the back of the house was 6' to the lot line.

DISCUSSION

Mr. Tuozzola confirmed with Attorney Curseaden that the building footprint was the same except for accommodating a back door.

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application; hearing none, he closed the hearing and asked for a motion.

Mr. Wolfe motioned to **approve** based on the small size of the lot. **Mr. Casey** seconded. The motion carried with **Messrs. Casey, Dubois, Soda, Wolfe, and Tuozzola** voting **with the motion**.

- 2) **22 Broad Street** MBP 54/402/12; MCDD; Appeal the Decision of the City Planner/Zoning Enforcement Officer in accordance with the provision of section 9.2.1 regarding decision dated July 23, 2021, that ZEO had erroneously issued zoning permit and revoking permit a year after it was issued and substantial work performed in reliance on permit. **WITHDRAWN**

- 3) **63 Riverside Drive** MBP 18/364/11A; R-12.5; Debbie Ann Levanti, owner; Appeal the Decision, email dated 8/27/ 21 received 8/30/21.

Mr. Tuozzola said the hearing had been held open from the previous meeting. He noted the length of the hearing in October and asked the applicant to limit comments to providing only new information. **Ms. Levanti** described her grievances regarding the neighboring property.

Mr. Harris provided a narrative of his inspections of the property, what he saw originally, and why there were no violations issued at the time. He said the main issue at that time was a row of screens not affixed to the ground. He said the board asked him to revisit the property, which he did, and where he met Ms. Levanti and the neighbor on site. He said the neighbor admitted that the screens had been cemented to the ground as had new fencing in the front yard, which created a permanent structure. He then addressed the status of Ms. Levanti's present appeal, saying it lacked timeliness. He said the department would revisit the fence violation.

Ms. Levanti read into the record an email sent by her to the mayor and chief of staff in response to the August 27th email from the chief of staff to Ms. Levanti.

DISCUSSION

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Mr. Tuozzola stated that the appeal was not timely. **Ms. Levanti** disagreed. **Mr. Harris** reviewed her responses to appealable actions by the Zoning Enforcement Officer and said action would be taken regarding the screens. She expressed her consternation at the actions of the Planning and Zoning Office and other city officials.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application; hearing none, closed the hearing and asked for a motion.

Mr. Wolfe motioned to **uphold the decision of the Zoning Enforcement Officer**. **Mr. Soda** seconded. The motion carried with **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- 4) **14 Hanover Street** MBP 27/458/6; R-5; Thomas Lynch, Esq., attorney for Kenneth Esposito, owner; Vary Sec. 3.1.4.1 east side-yard setback to 5' where 10' req.

Attorney Lynch, 63 Cherry Street, addressed the board. He briefly reviewed highlights of the full presentation he made in October. He noted the hardship of the narrowness of the lot and said the variance request was to build a wider house on it. He said the comments made by neighbors were irrelevant given that the lot is legal and there is a right to build it.

FAVOR

Attorney Lynch said a petition by 4 close neighbors had been submitted. **Mr. Harris** displayed the petition.

OPPOSED

Ariana Scotto, 21 Cooper Avenue, said she opposed the project.

Pasquale Civitelli, 469 East Broadway, said parking and safety should be considered. He expressed disbelief about the existence of 2 lots rather than 1 under the previous merger rule. He noted a petition of 28 signatures.

Beverly Newell, 10 Hanover Street, read a statement into the record. She said she felt a distinction existed in that no house had existed on the new lot. She felt a fire hazard existed due to the proximity of the homes and the narrowness of the street. She expressed concern about flooding in the area. She expressed concern about short-term rentals.

Mr. Civitelli, asked for his petition to be displayed. He said the tax office only issued one tax bill for the two lots.

REBUTTAL

Attorney Lynch said the petition was against building on the lot at all but stressed a legal building lot exists. He said his client wanted to build the same size house as one of the objectors. He said a separate tax bill would be issued when the lot was split off. **Mr. Soda** asked about parking; **Attorney Lynch** said off-street parking would be available under the house. **Mr. Soda** said he saw comparable setbacks elsewhere on the street and approved of 2 cars reduction in street parking and elevating the house to mitigate flood risk.

Mr. Tuozzola closed the hearing. **Mr. Soda** motioned to **approve** based on the narrowness of the lot. **Mr. Casey** seconded. The motion carried with **Messrs. Casey, Soda, Wolfe** and **Tuozzola** voting **with the motion**.

- A. NEW BUSINESS** - None
- B. OLD BUSINESS** - None
- C. STAFF UPDATE** - None
- D. ACCEPTANCE OF MINUTES FROM 12 OCTOBER 2021 HEARING:** Approved.
- E. ACCEPTANCE OF APPLICATIONS FOR 14 DECEMBER 2021 HEARING**

Adjournment was at **8:28 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