

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 9 November 2022

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday 9 November 2022, beginning at 7:00 p.m., to hear all parties concerning the following applications, some of which may require Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

Ms. Ferrante advised that Chairman Tuozzola, Mr. Smith, and Mr. Wolfe were excused, and she would chair the meeting. She said Item 1 (114 Merwin Avenue) had requested an extension until the December meeting; and that Item 2 (17-19 Cherry Street) had been withdrawn by the applicant. She asked **Ms. Hirsch** to act as Executive Secretary and provide the 4th vote for the evening. She asked Mr. Dubois to provide the 5th vote.

MEMBERS PRESENT: Sarah Ferrante, Gary Montano, William Soda

ALTERNATES PRESENT: Gary Dubois, Carmina K. Hirsch

MEMBERS/ALTERNATES ABSENT: Mike Smith, Christopher Wolfe, Joseph Tuozzola (Ch)

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

CONSIDERATION OF AGENDA ITEMS

1. **114 Merwin Avenue**, Kevin Curseaden, Esq., for Peter Dreyer, appellant (112 Merwin Avenue) Appeal the Decision in accordance with the provisions of section 9.2.1 regarding decision to issue a zoning permit date 7/21/22 for the construction of a single-family house in violation of zoning regulations. **EXTENSION GRANTED TO DECEMBER**
2. **17-19 Cherry Street**, MBP 65/817/11, RO; Thomas Lynch, Esq., for Cherry Pie, LLC, owner; Vary 3.4.4.3 lot coverage from 70% maximum permitted to 72.7% proposed to allow construction of a mixed-use residential/office building. **WITHDRAWN**
3. **20 Little Pond Road**, MBP 39/619/4, (R-10) Thomas Lynch, Esq., for Kristoffer Jensen and Nadira Clarke, owners; Vary 3.1.4.1 front-yard setback to 18' where 25' required to construct addition to residence.

Attorney Lynch, 63 Cherry Street, addressed the board, noting the presence of his client. He described the request and referred to the survey. He said the request was to vary the front yard setback, but the addition would add space to the house. The house was built in 1912. He said there is a steep decline to the west of the house leaving this as the only space for the addition. He said the request was straightforward and consistent with the historic nature of the morningside neighborhood. He pointed to the second lot which was being included in the project with a 2-3 car garage. He said the existing garage is under the house and water drainage makes it unusable at present. The garage would provide additional off street parking.

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

BOARD DISCUSSION

Mr. Soda motioned to **approve**. **Mr. Montano** seconded. The motion passed with **Mss. Ferrante** and **Hirsch** and **Messrs. Dubois**, **Montano**, and **Soda** voting **with the motion**.

4. **6 Arlmont Street**, MBP 32/248/1, (R-7.5) Thomas Lynch, Esq., for Christopher Cammarano, owner; Vary 3.1.4.1 west side-yard setback to 5' where 10'; rear-yard setback to 20' where 25' required to construct single family residence.

Attorney Lynch, 63 Cherry Street, addressed the board, noting the presence of his clients and handing out hardcopy of submitted information. He said the lot was narrow with 30' in width and that the proposal was to build a 20x40 house. He said it was consistent with previous applications for narrow lots. He submitted a petition of support with 8 close neighbors. He said the request was closest to his current house with a resulting separation of 29' due to 21 feet on the other lot.

DISCUSSION

Ms. Ferrante questioned the hardship if it were more a matter of aesthetics. Attorney Lynch and Ms. Ferrante agreed that the lot certification included the possibility of building a conforming house. Mr. Soda asked about the zoning data table and identified a typo error. Mr. Montano confirmed that a 15' wide house could be built on the lot. Ms. Hirsch and He said the square footage would

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be build a taller house which was more desirable to the neighbors. Mr. Soda asked if a stipulation be added that the height would be limited, Attorney Lynch said Mr. Field was agreeable to this.

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

FAVOR

Debra Saltzman 12 Arlmont said she was a lifelong resident. She said a tall, skinny house was not something she and her neighbors want and that such a house would not mesh in the area. She said the house is aesthetically pleasing and not jammed into the space.

Ms. Hirsch and Mr. Soda expressed concern about slippery slope but the support of the neighbors is significant. Ms. Ferrante said there would be variance. Discussion ensued about application of regs and the lack of a hardship. Hirsch said the board does weight the neighborhood response, but it's not a good situation.

BOARD DISCUSSION

Mr. Soda motioned to **approve with height restriction of 27' midpoint**. **Mr. Montano** seconded. The motion carried with **Mss. Ferrante and Hirsch** and **Messrs. Dubois, Montano, and Soda** voting **with the motion**.

5. **48 Dalton Road**, MBP 69/713/84, (R-7.5) Ronald Pessolano, owner; Vary 3.1.4.1 side-yard accessory structure setback to 1.4' where 4' required to build new detached garage.

Mr. Pessolano addressed the board. He described the project as a 20x20 detached garage, positioned with the perfect ease of flow for parking with the driveway. He said moving it out of that line would make it too difficult to drive vehicles into the garage. He noted the grandfathered structure next to it. **Mr. Soda** confirmed the location. Ms. Ferrante asked how far off the lot line the driveway is. Mr. Soda discussed using one door. Ms. Ferrante asked about the pad and Mr. P described his plan for a patio. Mr. soda confirmed that the abutting neighbor is in favor of the project. Mr. P discussed his plans for a fence for access to garage for maintenance. Ms. Hirsch read into the record submitted letters in favor.

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

BOARD DISCUSSION

Mr. Soda motioned to **approve**. **Mr. Montano** seconded. The motion passed with **Mss. Ferrante and Hirsch** and **Messrs. Dubois, Montano, and Soda** voting **with the motion**.

- A. NEW BUSINESS** voted on 2023 calendar. Soda montano
- B. OLD BUSINESS**
- C. STAFF UPDATE**
- D. ACCEPTANCE OF MINUTES FROM 13 SEPTEMBER 2022 AND 11 OCTOBER 2022 HEARING**
- E. ACCEPTANCE OF APPLICATIONS FOR 13 DECEMBER 2022 HEARING**

Adjournment was at **7:37 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