

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 10 November 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 10 November 2020, beginning at 7:00 p.m. via ZOOM®, 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 7:05 pm. He reviewed guidelines for online public meetings. He asked **Mr. Casey** to vote for Mr. Wolfe and announced that **Mr. Soda** would recuse himself from Item 2. He asked if Attorney Curseaden if he would be willing to vote with 4 board members for Item 2; **Attorney Curseaden** indicated that he would. **Mr. Tuozzola** said Item 1 would be postponed until the December meeting.

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

**ALTERNATES PRESENT:** Michael Casey

**MEMBERS/ALTERNATES ABSENT:** Gary Dubois, Etan Hirsch, Chris Wolfe

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

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

- 1) **17 Maddox Avenue** MBP 27/451/11, R-5, Max S. Case, Esq., for Robert McCloud and Evdoxia Picarazzi, appellants; property owner is AR Housing, LLC; Appeal the Decision of Zoning Enforcement Official, zoning permit dated September 23, 2020, signed on September 23, 2020, re: construction of a new 2-family, 2-story dwelling at 17 Maddox Avenue, with zoning permit attached to application dated 10/6/2020. **TABLED**
- 2) **69 Dart Hill Road** MBP 113/912/46A, R-A, Kevin Curseaden, Esq., for Lisa Chickos, owner; Vary sec. 3.1.4.1 side-yard setback to 9.3' where 25' required.

**Attorney Curseaden**, 3 Lafayette Street, addressed the board. He reviewed the site plan and said the project was an extension of an existing attached garage, making it subject to the setback of the principal structure. He said the hardship was the shape of the lot and the location of the structure on the lot. He said the plan was to consolidate the out-buildings now on the lot and that the owner had an adult child and grandchildren living with in the house.

#### DISCUSSION

**Mr. Tuozzola** asked for more information on the extension to the garage, verifying that no additional doors had been added.

#### 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. He verified with Ms. Greene that 8 neighbors had signed a statement expressing no opposition to the plan.

**Mr. Casey** motioned to **approve** based on submitted materials. **Ms. Ferrante** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Casey** and **Tuozzola** voting **with the motion**.

- 3) **8 Lawrence Avenue** MBP 28/578/4, R-5, Bryant Chatfield, agent, for Phil and Debe Lalonde, owners; Vary Sec. 3.1.4.1 building coverage to 52.9% where 45% is maximum permitted and lot coverage to 77% where 65% is maximum permitted for single family home with accessory apartment. **TABLED**
- 4) **15 Corona Drive** MBP 66/813/92, R-10, Jonathan Krenicki, owner; vary sec. 4.1.4. to 18.1' where 21' is permitted to construct porch with shed roof

**Mr. Krenicki** addressed the board. He said the hardship is the house's relation to the front yard. He stated that he has a handicapped child who needs an accessible entrance to the home via the porch. He said his neighbors were supportive. **Mr. Tuozzola** confirmed with Mr. Krenicki that repairs from a summer storm had been underway since August. **Ms. Valiquette** asked if a wheelchair ramp would encroach further. **Mr. Krenicki** clarified that a ramp might eventually be extended but only into the driveway.

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### 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. Soda** motioned to **approve** based on submitted materials. **Mr. Casey** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Casey, Soda, and Tuozzola** voting **with the motion**.

- 5) **38 Harborview Drive** MBP 45/517/9, R-12.5, Brian Burdo, for Stacy Burdo owner; Vary sec. 4.1.4. to 10.4' where 26' is permitted to construct a detached garage; sec. 3.1.4.1 setback of 10.4' where 30' req. for house addition

**Attorney Marisa Klein, Zeldes, Needle & Cooper, Bridgeport**, addressed the board. She said that one of the rights of way is a paper road with no passage possible given the vegetation growing on the site. She said the Burdos' proposed addition would be a home office, originally due to COVID-19 restrictions, but now needed indefinitely. She said despite the driveway being partly on the paper road, all access by car would be from Harborview. **Mr. Harris** noted that Walker Street is unimproved but an accepted street.

**Attorney Klein** said that even though it is an accepted street, her client is requesting that the land abutting it be considered a side yard for purposes of the garage. She said there is no practical access on that side.

### DISCUSSION

**Ms. Valiquette** asked for clarification on how the garage would be accessed.

### OPPOSED

**Daniel Kinney, Allison Pinney**, 48 Harborview, neighbors, expressed opposition to the garage. **Mr. Pinney** said doors on the garage would be on Walker Street. He said they may subdivide their lot in the future and that the garage placement would limit access to a possible second lot. He said that he and Ms. Pinney did not oppose the proposed addition, only the garage. **Ms. Pinney** expressed concern that a wooded area would be cleared. **Mr. Harris** showed a GIS image and an aerial image to illustrate the area. **Mr. Soda** and **Mr. Harris** discussed the aerial view. **Mr. Kinney** clarified that he and Ms. Pinney own the lot behind their house. **Ms. Pinney** she was concerned that the Burdo's use of the paper road would extend to the garage area. **Ms. Ferrante** asked whether the detached garage could be moved deeper into the yard. **Attorney Klein** said it would consume too much of the back yard. **Mr. Soda** asked how the small shed in the back corner would be used and was told it would be used to store construction materials. **Ms. Ferrante** referred to sheet 2 showing doors, **Attorney Klein** said it was for aesthetics purposes.

### BOARD DISCUSSION

**Mr. Tuozzola** closed the hearing and asked for discussion. **Mr. Tuozzola, Mr. Soda** and **Ms. Ferrante** felt there were other options for doing the project that required no variance. **Mr. Harris** reminded the board of the house-addition variance.

**Mr. Soda** motioned to **approve house addition** due to its proximity to the road **but to deny the proposed garage due to other options being available**. **Ms. Valiquette** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Casey, Soda, and Tuozzola** voting **with the motion**.

- 6) **40 Wood Avenue** MBP 12/118/13, R-5, Reis Properties, LLC, owner; Vary sec. 3.1.4.1 side-yard setback of 5' where 10' req. to construct a new single-family dwelling

**Mr. Joe Reis**, 42 Wood Avenue, addressed the board. He asked that the proposed house extend a foot further than the demolished house to provide a reasonable living space of 1200sf. He said a similar variance was granted to another nearby house. He said he intended to live in the house. **Mr. Tuozzola** asked about parking in the front yard and whether the house should be moved back to allow for more parking. **Mr. Soda** confirmed that 2 cars could be parked under the house. He agreed that the house should be moved back. **Mr. Harris** said this would not result in a variance required for the rear yard but that a modified request should be readvertised. **Mr. Harris** said the application only needs 2 spaces to be zoning compliant.

### 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.

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**Ms. Ferrante** motioned to **approve** based on submitted materials **with a condition that PARKING WITH BE UNDERNEATH THE BUILDING (2 SPACES) IN THE BUILDING'S FOOTPRINT**. **Mr. Soda** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Casey, Soda, and Tuozzola** voting **with the motion**.

- C. NEW BUSINESS**-None.
- D. OLD BUSINESS**-None.
- E. STAFF UPDATE**-None.
- F. ACCEPTANCE OF MINUTES** 13 October 2020: Approved unanimously.
- G. ACCEPTANCE OF APPLICATIONS** for 8 December 2020 hearing.

Adjournment was at 8:01 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