

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 December 2017**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, 12 December 2017, 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**

**Mr. Tuozzola** called the meeting to order at 7:00 p.m. He announced that the 1<sup>st</sup> agenda item was withdrawn and the 4<sup>th</sup> agenda item had asked for an extension. He asked **Mr. Hirsch** to act as the 5<sup>th</sup> voting member and also asked for conflicts of interest for board members with any agenda items; none were raised.

**MEMBERS PRESENT:** Joseph Tuozzola (Ch), John Vaccino (Sec), Sarah Ferrante, William Soda

**ALTERNATES PRESENT:** Gary Dubois, Etan Hirsch

**MEMBERS/ALTERNATES ABSENT:** None

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

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

1. **117 Hawley Avenue (MBP: 60/742/9)** BD-1. Thomas B. Lynch, attorney, for Anthony Capodicci, owner; variance of sec. 3.8.4.1 lot depth of 78' where 80' required to establish legal nonconforming building lot for construction of residence.

**Postponed.**

2. **19 Reed Street (MBP: 44/412/17)** SFA-10. Patricia & Anthony Marciano, owners; variance of sec. 3.2.4.1 to permit the conversion of a one-family dwelling into a two-family dwelling on a lot having 8,748 sq.ft of area and a width of 70' where 10,000 sq.ft of area and 100' of width is required, and sec.3.2.4.2 to permit a side yard setback of 5.4' where 10' is required to construct an addition.

**Attorney Lynch**, Lynch, Trembicki, and Boynton, 63 Cherry St., handed out materials and addressed the board. He noted the Marciano's presence. He described the 2 variances requests in detail. He noted that for many years the house was a 2-family use that had been abandoned by the previous owners, but which the new owners wished to reinstate. He noted that the architect, Len Hall, was also present for questions. **Attorney Lynch** said the present house was 2000 sf, constructed in 1870, prior to zoning regulations being instituted in 1930. He referred to the handouts, noting that the house is in a historic district. He said his clients sought approval from the ZBA and would then seek it from the Historical Commission. He reviewed photos demonstrating the older nature of the house's infrastructure, and said that the house would readily revert to a 2-family configuration. He referred to a GPS image with notations indicating 2-family dwellings on Reed Street, many of which date back to the late 19<sup>th</sup> century. He referred to a page in the handout reviewing permitted uses in the SFA-10 zone, noting that only a few areas in the city are designated with this zone. He reviewed typical configurations of homes in such zones. He described the addition as a single story such that it would be less obtrusive to the neighbors. He said the owners intend to live in the house with a tenant on the second floor. He displayed elevations and floor plans.

### **DISCUSSION**

**Mr. Soda** asked if the addition and deck could be altered such that the side-yard variance wouldn't be needed. **Attorney Lynch** said the floor plan of the house would be more challenging. **Mr. Tuozzola** confirmed that the owner prior to the current owners had abandoned the 2-family use in 2003. **Ms. Ferrante** asked why the non-conforming use should be reinstated; **Attorney Lynch** again referred to the large number of 2-families on the street.

### **FAVOR**

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 December 2017

### OPPOSED

**Ms. Greene** noted receipt of a letter of opposition from the neighbor at 10 Reed Street.

**Robin O'Grady**, 32 Reed Street, said the variance would set a precedent for large additions to historic homes. She said the abutting neighbor at 21 Reed Street couldn't attend due to health issues, but was stressed by the proposed addition.

**Maria Henley**, 31 Reed, bought her house because of the historic nature of the homes. She said her concern was the number of cars associated with the 2-family home next door. She was also concerned about future absentee landlords.

**Michael O'Grady**, 32 Reed Street, said he doubted the home was built as a 2-family, saying many were converted in the 1940s. He said the lot was too small for a 2-family. He expressed concern that the addition would place it so close to the neighbor's home. He said the historic commission had rejected the application once already. He said the driveway only accommodated a single car-width, probably resulting in adding to already over-crowded street parking.

### Rebuttal

**Attorney Lynch** said the owners would return to the Historic Commission to present a scaled-back version of the previously rejected plans. He said the driveway accommodates 2 cars and the upstairs would be a 1-bedroom so only 1 additional car space could be needed. He said the design would show sensitivity to the historic nature of the area. He said many records were lost in flooding at City Hall, but that the oldest assessor's card from 1948 shows a 2-family home.

### BOARD DISCUSSION

**Ms. Ferrante** asked about the dimensions of the first Historic Commission presentation at their November meeting and confirmed it was closer to 500 sf. **Mr. Vaccino** suggested a reduction in the width of the addition to remove the need for one variance. **Mr. Soda** and **Attorney Lynch** discussed multi-family density. **Mr. Soda** suggested that a second driveway be added to reduce the on-street parking.

**Mr. Tuozzola** said he thought the basic question was whether the house should be a 2-family or a 1-family. He raised the prospect of financial gain as a motivating issue due to rental income. **Ms. Ferrante** reiterated that the current conformity of the single family was compelling. She said she thought the owners should consider the suggestions made by the board.

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

3. **16 White Oaks Road (MBP: 75/922/9)** SFA-10. Kevin J. Curseaden, attorney, for Milton Investments, LLC, owner; variance of sec. 3.2.4.1 100' lot width required for 2-family use where 60' provided.

**Attorney Curseaden**, Carroll, Curseaden and Moore, 3 Lafayette St., addressed the board. He said the property was off High Street and that the 2-family duplex use required a wider lot. He described the creation of the lot via subdivision in 1941, meaning the pre-existing lot was originally conforming. He said it met all other requirements. He said a rear lot had at one time been approved for 8-30g development but that the project hadn't been built. **Ms. Ferrante** confirmed that both single- and two-family uses were permitted on the street. **Attorney Curseaden** said the hardship was that the subdivision predated the SFA-10 regulation. **Mr. Tuozzola** confirmed that if the houses were built, the rear portion of the lot would be effectively "sealed off" from subsequent development.

### DISCUSSION

**Mr. Soda** asked for a site plan, which **Attorney Curseaden** provided.

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 December 2017

### FAVOR

**Christopher Cody**, Esq., representing Milford Redevelopment and Housing Authority, said his client is the abutter was in favor, noting that the property was previously blighted.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Mr. Vaccino** noted that the property was very deep, despite the narrowness of the lot. **Mr. Soda** and **Ms. Ferrante** agreed. After a short discussion, there were no issues in dispute, so **Mr. Tuozzola** asked for a motion.

**Mr. Soda** motioned to **approve**. **Mr. Vaccino** seconded. **Mr. Soda** supported his motion by reason of hardship of the narrowness of the lot, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Hirsch, Soda, Vaccino** voting **with the motion** and **Mr. Tuozzola** voting **against the motion**.

4. **40 Crabtree Lane (MBP: 12/62/2)** R-7.5. Danielle Bercury, Attorney, for Robert Farakos, owner. Appeal of decision of Zoning Enforcement Officer in issuing a zoning permit dated 10/24/17.

**Postponed.**

5. **257 Broadway (MBP: 9/179/1A)** R-5. Thomas Crispino, owner; variance of sec. 4.1.4, deck projection to 2.9' where 8' permitted.

**Mr. Crispino** addressed the board. He said he and his wife were elevating the house. He said that the elevation would create the loss of the front door entrance, so moving furniture would be very difficult. He reviewed the floor plan drawings with the board.

### DISCUSSION

**Mr. Soda** confirmed the width of the deck was 7' and that parking would be underneath. **Mr. Vaccino** asked why the deck had to run the length of the house or the door couldn't be made larger; **Mr. Crispino** said utilities were on one side and a difficult angle on the other. **Mr. Tuozzola** and **Mr. Crispino** discussed how raising the house created difficulties.

### FAVOR

**Roy Olsen**, 10 Hauser Street and also architect for the project, said he supported it and saw little negative impact. **Mr. Soda** asked why the deck had to be that large; **Mr. Olsen** agreed it could be smaller. **Mr. Vaccino** doubt a frequent need for moving large items into the house. **Mr. Crispino** said there was also an aesthetic aspect.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. **Mr. Vaccino** thought the applicant seemed to be resisting the board's feedback. **Mr. Soda** thought losing space in the front of the house was a problem; **Ms. Ferrante** agreed and said that raising the house in and of itself is a kind of hardship.

**Mr. Soda** motioned to **approve**. **Ms. Ferrante** seconded. The motion failed with **Ms. Ferrante** and **Mr. Soda** voting with the motion and **Messrs. Hirsch, Vaccino, and Tuozzola** voting **against the motion**.

6. **66 Bird Lane (MBP: 48/713/61H)** R-12.5. Debra and Brian Fitzpatrick, owners; variance of sec. 3.1.4.1, front yard setback of 24.8' where 30' required for one-story addition to home.

**Mr. Fitzpatrick** addressed the board. He said the odd-shaped corner lot forced an encroachment into the setback of his proposed addition. He noted a wooded area of open space right behind the property. **Mr. Harris** said the survey revealed that the *cul de sac* curb cut was disproportionately on the Fitzpatrick's lot.

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held 12 December 2017**

### **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. Ferrante** motioned to **approve**. **Mr. Soda** seconded. **Mr. Ferrante** supported her motion by reason of hardship of irregular shape of the lot due to the *cul de sac*, exactly per the submitted materials. The motion carried with **Ms. Ferrante** and **Messrs. Hirsch, Soda, Vaccino, and Tuozzola** voting **with the motion**.

**B. OLD BUSINESS**-None

**C. NEW BUSINESS**- None

**D. STAFF UPDATE**-None

**F. ACCEPTANCE OF MINUTES** 14 November 2017: Approved.

**G. ACCEPTANCE OF APPLICATIONS** for 9 January 2018 hearing; extensions and resubmissions were expected.

Adjournment was at 8:09 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