

## Minutes, Public Hearing of Zoning Board of Appeals Meeting held 8 September 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 8 September 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 7:01 pm. He reviewed guidelines for online public meetings. He asked **Ms. Valiquette** to act as Board Secretary for Ms. Ferrante and **Mr. Casey** to vote for Ms. Ferrante. **Mr. Harris** noted that Item 4 would be heard next month by request of the applicant.

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

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

**MEMBERS/ALTERNATES ABSENT:** Sarah Ferrante

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

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

- 1) **766 East Broadway** MBP 22/456/3, R-5, Thaddeus Stewart, architect, for Ceasar Irby, owner; Vary sec. 3.1.4.1 side-yard setback of 3.8' where 10' is required on southerly side; Sec. 4.1.4. eave projection of 2.8' where 8' is permitted on southerly side to build single family home.

**Mr. Stewart**, 1 Monroe St, Hamden, said he had come back to the board having made changes based on the previous decision. He said he hoped the application would satisfy the board's concerns. He reviewed the revised plans.

#### DISCUSSION

**Mr. Tuozzola** discussed the changes made. **Mr. Soda** confirmed with Mr. Stewart that the plan reduced the home's total square footage by about 200 sf. **Mr. Stewart** said the house had been slightly rotated to make it fit the lot better.

**Mr. Tuozzola** opened the hearing for public comment.

#### OPPOSED

**Tony Trimboli**, 764 East Broadway, said the side-yard setback was even closer and HE was concerned there would be no room to do the construction. He said there were no pins to let him know where he should move his tiki bar, which is shown to be encroaching Mr. Irby's property on the submitted survey. **Mr. Hirsch** confirmed that with Mr. Stewart that a licensed surveyor had documented the tiki bar's encroachment.

#### REBUTTAL

**Mr. Stewart** said the surveyor did place iron bars in the lot's corners. He said that based on the survey, the neighbor's car also encroaches on the property when parked at the side of the house. He stressed that the width and length of the house had been reduced. He said the deck was 17' above grade and shouldn't impede the neighbor but it could be reduced if the board saw fit to do that.

#### BOARD DISCUSSION

**Mr. Tuozzola** closed the hearing. **Mr. Soda** said he thought the rear deck should be flush with the sides of the house. **Mr. Tuozzola** reviewed possible motions. He said he approved of the changes made by the applicant but agreed with Mr. Soda that a condition be added reducing the size of the rear deck to be flush with the house.

**Mr. Soda** motioned to **approve with the condition that the rear deck does not exceed the width of the house**. **Mr. Casey** seconded. The motion carried with **Ms. Valiquette**, and **Messrs. Casey, Soda, Mr. Wolfe**, and **Mr. Tuozzola** voting **with the motion**.

- 2) **135 Fourth Avenue** MBP 9/78/16, R-10, Gerard Clinton, owner; Vary sec. 3.1.4.1 north side-yard setback to 3.9' where 10' required, south side-yard to 5.1' where 10' required, rear-yard to 15.2' where 25' required; lot coverage to 64% where 50% permitted; building coverage to 42.7% where 35% permitted; all to build addition.

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**Mr. Clinton** and **Mr. Tuozzola** discussed the placard and other notification. **Mr. Clinton** said he had received emails of support from his abutting neighbors.

### Question/Favor

Rebecca Ellsley, 153 Fourth Ave. and 131 Fourth Ave., asked if the current driveway would remain in the same place. **Mr. Clinton** said he would repave it but not alter it. Ms. Ellsley said she would support the project in that case.

### BOARD DISCUSSION

**Mr. Tuozzola** asked if anyone else speak on the application. Hearing none, he closed the hearing. **Mr. Soda** said the addition was consistent with the house, so he did not have a problem with the application. **Mr. Wolfe** agreed.

**Mr. Wolfe** motioned to **approve** due to the lot size. **Mr. Soda** seconded. The motion carried with **Ms. Valiquette**, and **Messrs. Casey, Soda, Mr. Wolfe**, and **Mr. Tuozzola** voting **with the motion**.

- 3) **141 Hillside Avenue** MBP 49/795/83, R-5, Joseph Rousseau, designer, for Jasmina Koban, owner; Vary sec. 4.1.4. to 4.9' where 16' is permitted for rear deck.

**Mr. Rousseau**, 215 Research Dr, presented the plan. He said the house was being elevated for FEMA compliance and would occupy the existing footprint. He said a patio would be lost at ground level due to elevation and that Ms. Koban wished to replace the leisure place afforded by the patio with a deck.

### DISCUSSION

**Mr. Hirsch** clarified the position of the deck and confirmed that a shed was being removed from the property. **Mr. Wolfe** clarified that the plan featured piers with no breakaway walls and an elevator. **Mr. Rousseau** said there would be parking underneath and that a structural engineer had confirmed the soundness of the sea wall. **Mr. Tuozzola** expressed satisfaction with the limited nature of the request.

### BOARD DISCUSSION

**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. Soda** motioned to **approve**. The motion carried with **Ms. Valiquette**, and **Messrs. Casey, Soda, Mr. Wolfe**, and **Mr. Tuozzola** voting **with the motion**.

- 4) **781 East Broadway** MBP 22/474/35, R-5, Thomas Lynch, Esq., for Grace Williston, owner; Vary sec. 3.1.4.1 side-yard setback to 1.8' where 10' required; 4.1.4 eave projection to 0.8' where 8' permitted, stair projection to 1.8' where 8' permitted, deck projection to 2.1' where 8' permitted.

**CONTINUED TO OCTOBER**

- C. **NEW BUSINESS-**
- D. **OLD BUSINESS-**None.
- E. **STAFF UPDATE-**None.
- F. **ACCEPTANCE OF MINUTES** 14 August 2020: Approved unanimously.
- G. **ACCEPTANCE OF APPLICATIONS** for 13 October 2020 hearing.

Adjournment was at 8:49 PM.

Attest:

Meg Greene  
Clerk, ZBA

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.**