

**CITY OF NORWALK
ZONING BOARD OF APPEALS
DECEMBER 16, 2021
BY VIDEOCONFERENCE AND TELECONFERENCE
MINUTES**

ATTENDANCE: Andy Conroy, Chair; Lee Levey, Secretary; Keith Lyon;
Marilyn Altman; Tad Diesel

STAFF: Tammy Maldonado, Zoning Enforcement Officer

I. CALL TO ORDER

Mr. Conroy called the meeting to order at 7:32 p.m.

II. ROLL CALL

Mr. Conroy called the Roll as indicated above.

III. PUBLIC HEARINGS

Mr. Conroy reviewed the public hearing procedures:

For the first two hours, prior to 9:30 P.M., there will be a public hearing on the applications presented. After the application is announced the applicant will come forward and identify themselves, state their name, and present their appeal. After the applicant has spoken those who wish to speak in favor will have a chance to be heard.

After that those in opposition will have an opportunity to state their opposition for the record. In the case of an appeal the Zoning Staff will have an opportunity to present their findings.

Finally, after those present have spoken, the applicant and only the applicant will have the chance to rebut and respond to the issues raised. The hearing is then closed and the next application is called.

New applications will not normally be heard after 9:30 P.M. as the board must discuss and act upon the applications. No further public input is accepted after that time. The public is welcome to stay for that portion of the meeting but, should they decide to leave, they may contact the Zoning Office tomorrow to find out about the decision.

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Mr. Levey read the following application.

A. 21-1216-01 Emily Kelting – Variance of street line setback; 25’ required, 15.1’ proposed and rear setback; 10’ required, 2.2’ proposed for an accessory building (shed) on a corner lot in C residence zone. Property located at 6 Old Saugatuck Rd.

Ms. Kelting explained the shed was there when she purchased her property. She said it was over 100 years old and thought she could replace it with a pre-fabricated shed. She said the new shed has the same footprint as the old shed and it was built to code. It also has the same stone foundation on the front side to match the foundation of the house.

Ms. Maldonado said Ms. Kelting needs a permit for electricity. Ms. Kelting said the original shed had electricity, but it was not up to code. Ms. Maldonado said the Building Inspector went out to the property because they received a complaint from a neighbor. Ms. Kelting said the original shed was built in 1917 as a garage.

Ms. Kelting described her yard. She said this was an honest mistake. She added that her neighbors hope she can preserve her tree.

Ms. Kelting said she took down her original shed in September and put in the new foundation shortly after. She responded to Ms. Maldonado on October 14th.

In response to Mr. Levey’s questions, Ms. Kelting said the property is not located in a flood zone and the shed was designed to meet all relevant code requirements.

Mr. Conroy asked if anyone wished to speak in support.

A neighbor on Old Saugatuck Road spoke in support and said the old shed was an eyesore. She said she lives directly across the street from Ms. Kelting and said she did everyone a great favor by removing the shed.

Marlene and David DeBellis Brandon, Gilbert Street said the new shed would be a beautiful asset and quite an improvement.

Mr. Conroy asked if anyone wished to speak in opposition. Hearing none, the public hearing was closed.

Mr. Levey read the following application.

B. 21-1216-02 Javier Mandujano – Special Permit for non-renewable, temporary and conditional (not more than 2 years) use of a property for a Contractor’s Storage Yard (Landscaping Business) in Industrial 1 Zone. Property located at 80 Fort Point St.

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Attorney Nancy Aldrich represented Mr. Mandujano and described the property and gave an overview of the request. She said the applicant is willing to comply with whatever is necessary to keep his business going. She said this seems to be a good use for a Special Permit.

Mr. Conroy asked Ms. Aldrich if the applicant contacted the Director of Planning and Zoning about contractor yard space. Ms. Aldrich said she was told a number of things were underway, but did not get a definite answer.

Mr. Conroy asked Ms. Maldonado to send a copy of the Director's letter to Ms. Aldrich. Ms. Aldrich requested time to review the letter.

Ms. Maldonado said at the end of today, she received a letter expressing opposition to this application.

Mr. Levey read Mr. Kleppin's letter.

Mr. Mandujano responded to the letter and explained they only keep three vehicles and three trailers on the site and no one goes in and out of the property during the day. One or two of the employees park in front of the house in public spaces or in the driveway. The other workers are picked up. He said the driveway is always open for any emergency situations.

Mr. Mandujano said there are no dumpsters on the site and the most noise would be when they load the vehicles. The vehicles are taken to a shop for repairs.

In response to Mr. Diesel's comment, Mr. Mandujano said there are wait lists for a few properties and it is very difficult to find any in Norwalk at the moment. Ms. Aldrich added that they do not do any work on the site. This is a place where they load up the trucks and go.

Ms. Aldrich said they bought the property in good faith, believing that they could use this property for this specific use and were shocked when they learned the property was too short for this use. The prior use was for automobile repairs.

Mr. Levey said he hoped the applicant was looking for other contractor yard property.

Ms. Altman read a letter of opposition from Mr. Giannis.

There were no other questions from the Board members.

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Mr. Conroy asked Ms. Aldrich if she wished to respond to the letter. She said it was factually incorrect.

Mr. Conroy said there are problems with contractor yards throughout the City. He added that there has to be a recognition that this property is located in an industrial zone.

Mr. Mandujano said he would be more concerned about the construction taking place on the corner. He added that the train runs seven days a week, 365 days a year and that creates bigger noises than their 15 minutes in the morning and in the afternoon. Mr. Conroy agreed that they are right near the railroad tracks and that is why this area is zoned as Industrial.

There were no other comments from the Board members or the public and Mr. Conroy closed the public hearing.

Mr. Levey read the following application.

C. 21-1216-03 89 Day Street LLC – Special Permit to allow a use to extend from the I1 zone boundary of the lot into the C residence zone of the lot (not more than 25') for a marble and stone fabricator. Property located at 0 Burritt Ave (aka 89 Day St.).

Attorney John Hall represented the applicant. He described the property and said the applicant is using a portion of the property. He said this property was granted a similar variance. This is a commercial condominium and the area has been used for the same purpose for a number of years. He said there are not changes to the use and they are not altering anything.

There was discussion among the Board members regarding the effect of the approval on the Industrial 1 Zone moratorium.

Ms. Maldonado clarified that the Industrial 1 zone moratorium is for contractor's storage yards and one and two family dwellings only. This use is allowed in the Industrial 1 zone.

There were no further comments from the Board members or members of the public and Mr. Conroy closed the public hearing.

IV. BOARD ACTION ON: A - C

Due to a potential conflict of interest, Mr. Diesel recused himself from voting on the following application.

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21-1216-03 89 Day Street LLC – Special permit to allow a use to extend from the I1 zone boundary of the lot into the C residence zone of the lot (not more than 25') for a marble and stone fabricator. Property located at 0 Burritt Ave. (aka 89 Day St).

**** MR. LEVEY MOVED TO APPROVE THE APPLICATION AS SUBMITTED.**

Mr. Conroy commented that this is internal to the building and does not see any issues. Mr. Levey agreed.

**** MR. CONROY SECONDED
** MOTION PASSED UNANIMOUSLY**

21-1216-02 Javier Mandujano – Special Permit for non-renewable, temporary and conditional (not more than 2 years) use of a property for a Contractor's Storage Yard (Landscaping Business) in Industrial 1 Zone. Property located at 80 Fort Point St.

Mr. Conroy said they have the authority to protect people's property rights. He noted the applicant bought a property in an industrial zone.

Mr. Levey said that when they bought the property, they did not do their due diligence in regard to the size of the property and that falls on them. The most time he would give them to find a suitable property is two months. Mr. Conroy suggested six months. Ms. Altman said she would be happy to give them a year.

Mr. Diesel said the applicant demonstrates a willingness to comply and find a location for their business. They are facing an uncertain economy. In addition, the applicant faces a hardship if the City of Norwalk's study changes the Zoning laws. Putting a cap of two years would not be unreasonable. Ms. Altman said she would consider two years.

Mr. Conroy said the applicant has been at that location for long time and they are in an industrial zone.

**** MR. LYON MOVED TO PROVIDE THE APPLICANT AN EXCEPTION
FOR A PERIOD OF 18 MONTHS AND THAT THE BUSINESS NOT
INCLUDE LARGE EQUIPMENT, CREATE A LOT OF NOISE AND
AVOID TREE CUTTING AND ROCK HANDLING EQUIPMENT
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

21-1216-01 Emily Kelting – Variance of street line setback; 25’ required, 15.1’ proposed and rear setback; 10’ required, 2.2’ proposed for an accessory building (shed) on a corner lot in C residence zone. Property located at 6 Old Saugatuck Rd.

Mr. Conroy noted that Ms. Kelting tried to remedy the situation very quickly. Mr. Levey agreed, but recognized that Ms. Kelting is a design professional and should have known better. He said that he hopes in her effort to install a shed that she respects her neighbors and puts forward an acceptable design.

Mr. Conroy asked Ms. Maldonado if she heard from anyone in opposition. Ms. Maldonado said she did not. Mr. Levey said it would have been better if Ms. Kelting went to the Building Department to let them know she had a building that was coming down.

**** MR. LYON MOVED TO APPROVE THE VARIANCE WITH
CONDITION THAT REQUIRED INSPECTIONS ARE MADE BY
ZONING AND BUILDING DEPARTMENT
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

V. ACTION ON HEARING MINUTES – October 21, 2021 and November 18, 2021

**** MR. CONROY MOVED TO APPROVE THE MINUTES OF OCTOBER
21, 2021 AS PRESENTED
** MR. DIESEL SECONDED
** MOTION PASSED UNANIMOUSLY**

**** MR. CONROY MOVED TO APPROVE THE MINUTES OF NOVEMBER
18, 2021 AS PRESENTED
** MR. LEVEY SECONDED
** MOTION PASSED WITH ONE (1) ABSTENTION (MR. LYON)**

VI. APPROVAL 2022 MEETING SCHEDULE

Mr. Conroy noted that the Board Secretary position is very important and the Zoning Board of Appeals has to certify that training has taken place for the members.

Ms. Maldonado said she will check to be sure when the ZBA members have to be certified and will give that information to Mr. Levey as the Board Secretary.

Mr. Conroy announced that Ms. Altman will become a regular member of the Zoning Board of Appeals when Mr. Brasher leaves the Board. Ms. Maldonado said the Director reached out to the City Clerk today to let her know they need new members of the Board.

The Board members reviewed the 2022 meeting schedule.

VII. ADJOURNMENT

**** MR. LEVEY MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:50 p.m.

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