

DRAFT
CITY OF NORWALK
ZONING BOARD OF APPEALS
December 7, 2017

PRESENT: Joseph Beggan, Chair; Taylor Strubinger; Nadine Campbell; Lee Leavey

STAFF: Aline Rochefort

OTHERS: Nicholas Sajda; Atty Charles Willinger; John DiScala; Holt McCord; Larry Losio;

I. CALL TO ORDER

Mr. Beggan called the meeting to order at 7:30 p.m.

II. ROLL CALL

Once the meeting was called to order, Mr. Beggan read the rules and procedures into the record.

III. ELECTION OF SECRETARY

Since there were only 4 commissioners, they decided that this item would be postponed to the next meeting.

IV. PUBLIC HEARINGS

A. 17-1207-01 - Michael & Linda Avgerinos- Variance of number of stories and variance to allow parking within the zoning front setback. Property located at 162 Perry Avenue.

Mr. Beggan opened the public hearing and read the legal memo into the record. He then continued the hearing until the next ZBA meeting.

B. 17-1207-03 – J Michael & Marie Sutton (property owners) - Appeal of issuance of a zoning permit. Property located at 3 Longshore Ave.

Mr. Beggan opened the public hearing and read the legal memo into the record. He then continued the hearing until the next ZBA meeting.

C. 17-1207-04 – 587 Connecticut Storage, LLC – Variance to allow the construction of a ground sign on a site with less than 75ft of street frontage. Property located at 587 Connecticut Ave.

Mr. Beggan opened the public hearing and read the legal memo into the record. He then continued the hearing until the next ZBA meeting.

D. 17-1207-02 – David & Lisa Schlakman – Variances to elevate existing single family residence. Variance of building height, variance to allow 3 1/2 stories & variance to reduce the required depth of a parking space. Property located at 77 Roton Avenue.

Mr. Beggan opened the public hearing and read the legal memo into the record.

Nicholas Sajda, the architect on the project, began the presentation by handing in the certified, return receipt cards, along with the letter that was sent, noticing the neighbors of the public hearing. He then gave a brief history of the property and explained how the owners wanted to raise the house to conform to FEMA regulations. He also explained why the owners were raising the house. He discussed the basement. He described the variances that were necessary. He then explained the hardship which was that the house pre-dates FEMA regulations. The commissioners raised concerns about the owners requesting another variance in the future.

No one spoke for or against the application. Mr. Beggan closed the public hearing.

E. 17-1207-05 – Windover Farm Partners, LLC – Variance of setbacks in Conservation Development. Property located at 329-335 Chestnut Hill Rd.

Mr. Beggan opened the public hearing and read the legal memo into the record.

Charles Willinger, atty for the applicant, began the presentation, by handing in the certified, return receipt cards, evidencing notice of the public hearing to the abutting neighbors. He gave a brief description of the property which 50% of it was a conservation development since it included wetlands, ponds, etc. He explained how the previous owner had received approvals from the Zoning Commission in 2012 to build additional houses on the 12.5 acre property. He submitted copies and then described them for the record. The property was sold to his client in 2016. He then showed the commissioners a minor change that they had received after making minor changes to the approved site plan. He described the construction that was going on but that a mistake had been found. He also noted that developers sometimes made a "mistake" to get more units but that was not the case here. Nor did the Zoning Department staff make this mistake. Atty Willinger thought this was minor. He also noted that there had been a similar court case involving the Norwalk ZBA, which ultimately granted the setbacks to the applicant. He also handed out the minutes from this case. He then described how the homes were clustered since this was a conservation development. He explained how it was difficult to comply with the regulations because of this

clustering. There was a discussion about the septic system and well. John DiScala, the contractor on the property, explained that each home had their own. He showed them on the site plan. Mr. Leavey asked to see the architectural plans which Ms. Rochefort showed him from the Zoning Commission's file.

Holt McCord, of McCord Engineering continued the presentation by explaining where the mistake had been made. Since new architectural plans had been drawn up under the new ownership, the mistake had not been picked up until much later in the process. There was a discussion as to whether the houses could be made smaller. There was also a discussion about screening the homes from the abutting neighbors. Atty Willinger passed out a complimentary article that had been in the *Norwalk Hour* which discussed the village green, the saltboxes, etc. He discussed the various things that he believed were the hardships for this application.

Larry Losio, 342 Chestnut Hill Rd, had comments/questions on the application, not just as a nearby neighbor but also as a former Conservation Commission member. He said there are significant differences from the original proposal. He noted that the applicant had cleared the property of 30-40 trees which the previous proposal had not done. The footprints of the homes had increased. None of the homes was now facing the street, which he believed would be more welcoming, unlike the previous plans. He discussed the fence that had recently been erected and that he was the closest neighbor. He wanted the project completed quickly so as not to endure the construction or any more blasting. He was not in support or in opposition. His concerns were about the blasting. There was a discussion about taking photos of the damage from the blasting.

Atty Willinger said that tonight was the first time that they had heard about damage to Mr. Losio's house and would reach out to him. There was a discussion about the adjacent property to the north. Since a couple of the houses had still not been built there was a discussion as to whether they could be made smaller. Atty Willinger was not sure if there would be more blasting. There was a discussion as to whether the applicant would be adverse to plantings to be used as screening.

Mr. Beggan closed the public hearing; however, the commissioners allowed one more member of the public to speak who said he felt "mischaracterized."

Barry Natale, 2 Farmhouse Lane, explained the conservation area. He said that he was not speaking for or against the application.

Mr. Beggan then closed the public hearing.

V. BOARD ACTION

- i. 17-1207-02 – David & Lisa Schlakman – Variances to elevate existing single family residence. Variance of building height, variance to allow**

31/2 stories & variance to reduce the required depth of a parking space. Property located at 77 Roton Avenue.

**** MR. BEGGAN MOVED to APPROVE the variance** as requested based on the fact that the FEMA flood height regulations are the hardship.

Mr. Strubinger seconded.

Joseph Beggan; Taylor Strubinger; Nadine Campbell; Lee Leavey voted in favor.

No one opposed.

No one abstained.

- ii. **17-1207-05 – Windover Farm Partners, LLC – Variance of setbacks in Conservation Development. Property located at 329-335 Chestnut Hill Rd.**

There was a discussion about having the applicant replace many trees that had been cut down, as well as discussing the type of trees to be replaced. They thought there should be an amount to be spent. Ms. Rochefort noted that Mr. Strauch, of the Zoning Department, could guide them to replace the trees without specifying a dollar amount.

*** MR. LEAVEY MOVED to APPROVE the variance** upon the condition that a total of 18 trees be planted before both pairs of units. They should be a minimum of 4" in caliber, a mix of deciduous and evergreen, and not white pine. The developer should work with Frank Strauch of the Planning and Zoning Department staff to establish tree species and layout.

Mr. Strubinger seconded.

Joseph Beggan; Taylor Strubinger; Nadine Campbell; Lee Leavey voted in favor.

No one opposed.

No one abstained.

VI. ACTION ON HEARING MINUTES – November 2, 2017.

**** Mr. Strubinger MOVED to approve the November 2, 2017 minutes, as amended.**

Ms. Campbell seconded.

Joseph Beggan, Chair; Taylor Strubinger; Nadine Campbell; Lee Leavey voted in favor.

No one opposed.

No one abstained.

VII. ADJOURNMENT

Mr. Strubinger made a Motion to Adjourn

Mr. Beggan seconded.

**Joe Beggan; Taylor Strubinger; Greg Brasher; Nadine Campbell; Lee
Leavey voted in favor.**

No one opposed.

No one abstained.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted by,

Diana Palmentiero