

**CITY OF NORWALK
ZONING BOARD OF APPEALS
SPECIAL MEETING
DECEMBER 1, 2022**

ATTENDANCE: Andrew Conroy, Chairman; Marilyn Altman; Lee Levey; Tom Farkas; Danielle Sanchick

STAFF: Tammy Maldonado

OTHER: Atty. Al Vasko; Kelli Cook; Robert Russell; Anthony Cavalcante; Atty. Elizabeth Suchy;
Greg Stewart

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:31 P.M. There was a quorum present.

ROLL CALL

A roll call was performed for those present.

PUBLIC HEARINGS

A. (CONTINUED FROM OCTOBER 20, 2022) 22-0915-01

**GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION,
VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR
EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR.**

Mr. Stewart came forward to discuss this item. He requested that there be a continuance as they are not yet ready to proceed.

**** MR. LEVEY MOVED TO CONTINUE 22-0915-01 GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION, VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR. TO THE NEXT MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

B. 22-1117-01

**AC 26 OZ LLC – PROPOSED MOTOR VEHICLE REPAIR LICENSE APPLICATION. PROPERTY LOCATED AT
253 MAIN AVE.**

Atty. Vasko came forward to discuss this item. The client currently has approval for all their other operations on the property. He pointed out that the location had a special permit granted in 1996 for an automotive/used car dealership. It was also used as a repair facility in the early 2000's. It has a repair place and a service station adjacent to the property. The license from the State is broad but the client is limiting their services to alignment services. Mr. Levey voiced concerns over the aquifer protection as well as potential pollution and its effects on the area. He wished for assurances that anything put on the

site is limited. He asked what measures would be taken to limit ground water penetration. Atty. Vasko listed the measures they would be taking to limit ground-water penetration.

No one wished to speak in favor of this application.

A letter had been received from Mr. Steve Grandinetti in opposition to this application. He has tried multiple times over the past 15 years to purchase the building and been denied and informed that no auto-repair license would ever be granted there due to the aquifer. He voiced surprise at how the property, which he had been told was not available, was up for discussion.

A letter had been received from Ms. Paula Pendergast in opposition to this application. She said that granting this variance would allow the applicant to compete with her tenant. She noted that this was not the business that they were originally licensed to do.

Atty. Vasko rebutted that they would not be competing with other businesses. He said that they did not do auto-body repair there. He listed the services offered by the applicant. Ms. Maldonado read the report from the environmental officer. The report read that the proposed wheel alignment activity is presumed to be prohibited unless the operator of the business can satisfactorily prove to the Aquifer Protection Agency or its agent that their limited activity is exempt. If a motor vehicle repair license is granted by the ZBA the proposed use would still need to be approved by the P&Z Commission and deemed to be exempt from the Aquifer Protection Agency prohibitions. She further reviewed the details of the regulations. She noted that it was the State Department of Motor Vehicles that approves, receives, and tracks the licenses for either limited or full repair or car dealerships. Atty. Vasko reiterated that the applicant had no interest in motor vehicle repairs or bodywork. Further discussion followed.

C. 22-1117-03

KELLI COOK – VARIANCE OF SIDE YARD SETBACK FOR A PROPOSED DETACHED GARAGE. PROPERTY LOCATED AT 176 PERRY AVE.

Ms. Cook came forward to discuss this item. She provided photos and blueprints of the area for the Board. She reviewed the work that had been done on the house. She noted that the existing barn was not in good shape and structurally unsafe. Her basement currently floods when there is a large amount of rain. She desires to have some dry storage as a result. She reviewed the plans for the proposed garage. She provided letters of support from her neighbors for review by the Board. Letters of support from Mr. and Ms. Krieger, Mr. and Ms. Chranston, and Ms. Kathleen Russel were read for those present. Ms. Cook read aloud a hand-written letter from a fourth neighbor as well.

No one wished to speak in favor of this application.

No one wished to speak in opposition to this application.

Mr. Levey noted that this was not a renovation. Chairman Conroy said that he did not see how repairing the existing structure was even feasible. Mr. Levey asked if any other locations had been explored that wouldn't require a variance. Ms. Cook said that the only other location was in the center of the yard. There was also issues with the location of a propane tank that needed to be refueled that eliminated

other locations. Mr. Levey suggested that the tank be moved to allow for new options that would not require a variance. He felt that approval would increase existing non-conformities. Further discussion followed regarding potential locations for the garage. Chairman Conroy voiced his opinion that the proposed location was an appropriate location on the property and it was not in a bad place.

D. 22-1117-04

ROBERT AND ELIZABETH RUSSELL - VARIANCE OF NUMBER OF STORIES FOR PROPOSED VERTICAL ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 18 STEEPLE TOP RD.

Atty. Suchy came forward to discuss this item. The application was filed on October 13 and neighbors were notified of the original public hearing. Letters of support from the neighbors have been submitted to the Board. The property survey was provided for those present. Atty. Suchy reviewed the details of the property. She reviewed the improvements that had been made to the property over the past 50 years and said that there were not many. She noted that the basement could not be utilized. There have been flooding issues over the years. Chairman Conroy asked if they were raising the structure to become FEMA compliant. Atty. Suchy denied this. They are looking to extend the top part of the house to permit them to have additional rooms. One of the components of the application is the installation of appropriate floodgates to make the dwelling FEMA compliant. She noted that another space would not become habitable and would be strictly used for storage due to flooding.

The proposed plans were provided for the Board. She reviewed the reasoning behind their decisions for the construction. The construction is all above the existing footprint. There are no extensions beyond the footprint or into the side or rear yard set-backs. Due to the lot shape expansion outwards would be more cumbersome and intrusive. Further discussion regarding the impacts of the flooding followed. Mr. Levey expressed his belief that this was an appropriate request and said they had approved similar measures, such as the lifting of houses, before.

The letters of support from the neighbors were read for those present.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

BOARD ACTION ON: A-D

D. 22-1117-04

ROBERT AND ELIZABETH RUSSELL - VARIANCE OF NUMBER OF STORIES FOR PROPOSED VERTICAL ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 18 STEEPLE TOP RD.

Chairman Conroy said his only issue was with the overall height but he noted it was not egregious. Mr. Levey said it meant a lot that they had abandoned the usable basement space due to flooding and felt they had come up with a solution that made up for the loss.

**** MR. LEVEY MOVED TO APPROVE APPLICATION D. 22-1117-04 ROBERT AND ELIZABETH RUSSELL - VARIANCE OF NUMBER OF STORIES FOR PROPOSED VERTICAL ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 18 STEEPLE TOP RD.**
**** MS. SANCHICK SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

C. 22-1117-03

KELLI COOK – VARIANCE OF SIDE YARD SETBACK FOR A PROPOSED DETACHED GARAGE. PROPERTY LOCATED AT 176 PERRY AVE.

Chairman Conroy said he felt the location was appropriate for a garage. He noted that cars were not likely a thought when the place was originally constructed. Mr. Levey said he opposed the application since it increased a non-conformity. Mr. Farkas voiced his agreement with Chairman Conroy. Ms. Sanchick also voiced her agreement. Chairman Conroy said he believed that this would be reducing problems even if it increased non-conformities.

**** MS. ALTMAN MOVED TO APPROVE C. 22-1117-03 KELLI COOK – VARIANCE OF SIDE YARD SETBACK FOR A PROPOSED DETACHED GARAGE. PROPERTY LOCATED AT 176 PERRY AVE.**
**** MR. FARKAS SECONDED THE MOTION.**
**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (ALTMAN, FARKAS, SANCHICK, CONROY) AND ONE (1) OPPOSED (LEVEY).**

B. 22-1117-01

AC 26 OZ LLC – PROPOSED MOTOR VEHICLE REPAIR LICENSE APPLICATION. PROPERTY LOCATED AT 253 MAIN AVE.

Chairman Conroy suggested it be passed with the limitation that it is for wheel alignment. He said he felt it was fitting given its location and neighbors. Ms. Altman asked if they would be coming under the conservation department. Ms. Maldonado confirmed this.

**** CHAIRMAN CONROY MOVED TO APPROVE B. 22-1117-01**
AC 26 OZ LLC – PROPOSED MOTOR VEHICLE REPAIR LICENSE APPLICATION. PROPERTY LOCATED AT 253 MAIN AVE. WITH THE FOLLOWING CONDITIONS:

- **ANY AUTO-REPAIR ACTIVITIES BE LIMITED STRICTLY TO WHEEL ALIGNMENT.**

**** MR. LEVEY SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

A. (CONTINUED FROM OCTOBER 20, 2022) 22-0915-01

GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION, VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR.

This item will be continued to the next meeting.

ADJOURNMENT

**** MR. LEVEY MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 P.M.