

**CITY OF NORWALK
SPECIAL MEETING
ZONING BOARD OF APPEALS
MINUTES - OCTOBER 19, 2021**

ATTENDANCE: Lee Levey, Chairman; Chris Gavrielidis; Keith Lyon; Andrew Conroy; Marilyn Altman; Tad Diesel; Gregory Brasher (7:33)

STAFF: Tammy Maldonado; Michelle Andrzejewski;

OTHER: George Tahweh; Larry LaPere; Ira Chilton; Liz Suchy; Ben Cherner; Alan Lo; Maarten A. Eenkema Van Dijk; Jay Russel

CALL TO ORDER

Chairman Levey called the meeting to order at 7:30 P.M. This is a continuation of the meeting held on September 30th.

ROLL CALL

Chairman Levey performed the roll call of those present.

PUBLIC HEARINGS

A.

(CONTINUED FROM SEPTEMBER 30TH) 21-0819-03 CITY OF NORWALK – VARIANCE OF REAR SETBACK; 223’ REQUIRED, 68.45’ PROPOSED FOR A NEW SCHOOL IN AAA RESIDENCE ZONE. PROPERTY LOCATED AT 12 KNOWALOT LN.

Mr. Alan Lo came forward to discuss this item. The City’s Corporate Counsel’s Office is in continued conversations with attorneys representing the neighbors. They have requested a continuance of the public hearing to the meeting of the ZBA on November 18th. The decision must be made by November 27th.

Mr. Brasher joined the meeting at 7:33 P.M.

Mr. Brasher left the meeting at 7:34 P.M.

B.

(CONTINUED FROM SEPTEMBER 30TH) 21-0916-02 MAARTEN A. EENKEMA VAN DIJK – VARIANCE OF BUILDING HEIGHT; 31’ TO MIDPOINT REQUIRED, 33.7’ PROPOSED (SECTION 118-340C) FOR NEW SINGLE-FAMILY RESIDENCE IN B RESIDENCE ZONE. PROPERTY LOCATED AT 34 HARBOR VIEW AVE.

The house was built in 1938 and has existing non-conformities. It is located in a flood hazard zone. The home would be demolished and replaced with new construction. The Board has recognized hardship

about elevating the structure and meeting the height restrictions for properties located in flood zones. The request only applies to the midpoint and would be virtually imperceptible.

Atty. Liz Suchy came forward to discuss this item. The neighbors have been notified about the hearings for this item. She listed the pre-existing non-conformities and provided a survey of the lot to the Board. The proposal is to demolish the structure and build a new, compliant, structure. The existing structure is 1950 square feet and the new structure would be 1890 square feet and would be 2 ½ stories which meets the maximum number of stories for the zone. She provided photos of the property for the Board. She then provided a survey for the proposed structure.

Mr. Larry LaPere came forward to discuss this item. The site is mostly impervious as it is today. The impervious area will be reduced by appx. 2%, 130 square feet, of the whole site. He reviewed the details of the proposed structure for the Board.

Chairman Levey asked about the gravel driveway and if they had had a conversation with D.P.W. and if they had been forced to pave an apron of appx. 12 feet in depth to contain the gravel from washing into catch basins.

Mr. LaPere said there was a concrete apron in the area already.

Chairman Levey said that they've been asking for 10 feet and that there be a hump where the apron meets the gravel to help retain the gravel.

Mr. Ben Cherner came forward to answer this question. He said he had a driveway in a similar condition for 15 years and had not had an issue with gravel leaving the driveway.

Chairman Levey clarified that he was just asking if D.P.W. had made the comment.

Atty. Suchy said the proposal would also need to be submitted to the Zoning Commission since it is within distance of a coastal resource. As part of this submission, it will need to be referred to various agencies including D.P.W. and it can be addressed at that time.

Mr. Cherner came forward to present the designs for the new structure. He provided plans for the structure for the Board to review. The low point was designed to make the structure as small as possible towards the street. The high point is only half of the structure. The mid-point is the non-conforming part of the structure. From the street the roof is not visible at any location on Harbor View.

Atty. Suchy said that there were two letters of support in the file, one from a direct neighbor and a neighbor across the street at 33 and 36 Harbor View.

Mr. Cherner provided a 3-D display of the proposed home. He pointed out that the northern portion of the roof is half the size of the southern portion of the roof. This is what makes the roof non-conforming.

Chairman Levey asked what the material for the standing-seam roof would be.

Mr. Cherner said these roofs were usually metal but that had yet to be determined and it could also be shingle.

No one wished to speak in favor of this application.

No one wished to speak against this application.

Mr. Conroy read the letters of support for the Board.

Atty. Suchy said they have specified the practical difficulties or unnecessary hardships in the application. The architectural design does present those challenges. The request is very minimal in nature. Since the peak of the roof is in compliance, she sees the request as appropriate.

C.

**(CONTINUED FROM SEPTEMBER 30 TH) 21-0916-03 NORWALK SNFF ACQUISITION GROUP, LLC
-VARIANCE OF ROOFTOP MECHANICAL SETBACK AND SCREENING REQUIREMENT (SECTION 118-
360B(4)(N)) FOR EXISTING COMMERCIAL BUILDING IN D RESIDENCE ZONE. PROPERTY LOCATED AT 23
PROSPECT ST.**

Mr. Jay Russel came forward to discuss this item. They run a nursing facility located across the street from Norwalk Hospital. All adjacent neighbors have been notified. There is a fence currently running alongside the sidewalk of the facility that is 6 feet in height. As a result, all the equipment on the roof will remain screened from Prospect Street.

Mr. Ira Chilton came forward to discuss this item. He presented a layout of the area for the Board. The renal dialysis center will be placed in a vacated wing of the nursing building. He highlighted the new units for the Board. The units will be below the 6-foot fence line. He provided photographs of the site.

Mr. George Tahweh came forward to discuss this item. He provided a live shot from Google maps on the street view. He pointed out that the units were not visible from the street.

Mr. Russel recapped what had been presented and said that the units were not visible from the street in any way.

No one wished to speak in favor of this application.

No one wished to speak against this application.

Ms. Altman asked if the fence would remain in its current state.

Mr. Russel said there was no current plans to change the fence surrounding the facility.

Ms. Tammy Maldonado asked if the banners present on the fence would be remaining as they constituted illegal signage.

Mr. Russel said that the banners were temporary and only erected because of construction on the dialysis center. The banners are planned to be replaced with a sign once construction is complete.

Mr. Lyons asked what the reason behind the recommendation was.

Ms. Maldonado said she had found no hardship.

Mr. Gavrielidis asked what the second option if the variance wasn't granted would be.

Mr. Russel said that the second option would be to place a fence around the roof despite there being no need as it would serve the same purpose as the fence currently on the property.

Mr. Gavrielidis asked about the setback and pointed out that the current building was already over some of the setback lines.

Mr. Chilton said that this was the only issue as some of the current building was already over some of the setback lines. He noted that, on prior occasions, the board had already granted a variance on these setbacks. There would need to be considerable structural improvement needed to install the fence on the roof and there would be two screens around the units.

Mr. Tahweh said that there would need to be structural modifications and steel support columns inside the facility. This would result in a hardship into the floor flow plan and make it more difficult for staff to visit patients. Since the current fence is sufficient to block view of the equipment the additional fencing would increase the hardship of maintenance for those units as well as other issues with the DPH code.

Mr. Conroy commented that the configuration of the lot with the building being low favors having a fence around the whole area rather than a fence on the roof. This isn't a hardship but it is a practical difficulty. A condition could be added to keep the fence in its current place and at its current height.

Chairman Levey suggested that they add the condition of the fence being maintained and in good condition to maintain its screening capabilities.

BOARD ACTION ON: A – C

C.

**(CONTINUED FROM SEPTEMBER 30 TH) 21-0916-03 NORWALK SNFF ACQUISITION GROUP, LLC
–VARIANCE OF ROOFTOP MECHANICAL SETBACK AND SCREENING REQUIREMENT (SECTION 118-
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PROSPECT ST.**

Chairman Levey said he had no issue with the fence in place of rooftop screening. He wanted to add the condition to the approval that the applicant maintain the fence in perpetuity in good condition to maintain its screening capabilities.

**** MR. LYON MOTIONED TO APPROVE ITEM C 21-0916-03 WITH THE FOLLOWING CONDITIONS:**

- THE APPLICANT MAINTAIN THE FENCE IN PERPETUITY IN GOOD CONDITION TO MAINTAIN ITS SCREENING CAPABILITIES.

**** MS. ALTMAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

B.

(CONTINUED FROM SEPTEMBER 30TH) 21-0916-02 MAARTEN A. EENKEMA VAN DIJK – VARIANCE OF BUILDING HEIGHT; 31' TO MIDPOINT REQUIRED, 33.7' PROPOSED (SECTION 118-340C) FOR NEW SINGLE-FAMILY RESIDENCE IN B RESIDENCE ZONE. PROPERTY LOCATED AT 34 HARBOR VIEW AVE.

Mr. Conroy said that the roof design probably wasn't contemplated when the code was written and there was no problem with the roof.

Chairman Levey said that the architect had made a very good effort to work the bulkhead that provides access to the flat roof and it was unobtrusive.

**** MR. CONROY MOTIONED TO APPROVE ITEM B 21-0916-02 AS SUBMITTED WITH THE FOLLOWING NOTATION:**

- THE ZONING CODE HAD NOT ANTICIPATED THE DESIGN OF THIS TYPE OF ROOF AND IT FIT WITHIN THE COMPLIANCE OF THE CODE.

**** CHAIRMAN LEVEY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Conroy noted that there had been one submission by a person who wished to discuss Zoning regulations, ZBA, and sound and had been sent to all the Board members. Discussion followed on this item.

ADJOURNMENT

**** CHAIRMAN LEVEY MOTIONED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:31 P.M.