

**CITY OF NORWALK
ZONING BOARD OF APPEALS
SPECIAL MEETING
SEPTEMBER 30, 2021
BY VIDEOCONFERENCE AND TELECONFERENCE
Minutes**

ATTENDANCE: Lee Levey, Chair; Andrew Conroy, Secretary; Marilyn Altman;
Tad Diesel; Chris Gavrielidis

STAFF: Tammy Maldonado, Zoning Enforcement Officer; Alan Lo,
Building and Facilities Manager

OTHERS: Lisa Yates, Antonozzi Associates

I. CALL TO ORDER

Mr. Levey called the meeting to order at 7:30 p.m. and read the following statement:

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 forwards 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.

II. ROLL CALL

Mr. Levey called the Roll as indicated above.

City of Norwalk
Zoning Board of Appeals
Special Meeting
September 30, 2021
Via videoconference and teleconference
Page 1

III. PUBLIC HEARINGS

Mr. Conroy read the application.

**A. (CONTINUED FROM AUGUST 19TH) 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. Lo, represented the project and explained there were updates since the last meeting. He said he was directed to meet with the adjoining property owners. He was also asked if the last meeting was properly noticed. Mr. Lo explained that he went to the City's GIS map, but because it is not a live link, there were errors. This meeting was properly noticed.

Ms. Yates gave a PowerPoint presentation showing the existing school and the new design. She said the design was approved by the Conservation Commission.

School use in a neighborhood zone requires a Special Permit. The size of the school is dictated by the State of Connecticut. Ms. Yates said the height of the building is 31 feet and that height is within the regulations.

Ms. Yates discussed the site amenities. The soccer field is proposed at the other side of the building and evergreen trees will be planted to create screening with the neighbors adjacent to the rear property line. The applicant will work with the neighbors regarding the placement of the trees to benefit the neighbors.

Mr. Lo said he has been talking with the neighbors and the City recognizes that the school is a special use for a AAA residential zone. He said they intend to provide proper screening for the adjacent property owners. Mr. Lo said they have not yet fully agreed upon the location of the tennis court and the basketball court. He added that there have been no changes to the plan.

In response to Mr. Levey's question, Mr. Lo said there will not be any lights on the facilities and the area will be gated.

Mr. Lo explained that the time line is very restrictive. They have to go to the State by the end of November and then go out to bid in January. Once approved, they will start construction in April and look to open the new school in August 2023. After the new school opens, they will demolish the existing building.

Mr. Lo said they are committed to communicating with the neighbors. He said they are proposing to plant 25 new trees, but there is no issue if they wish to add more trees. The goal is to block the view of the school.

Mr. Conroy said the neighbors brought up sound issues. He said he looks at this as a park as well as a school. The park functions could be put on the opposite side of the school.

Mr. Levey asked if anyone wished to speak in favor of the application.

Public comments are not verbatim and represent a summarization of statements unless otherwise noted.

Mr. Justin Matley said this has been going on for at least 10 years and said he was very much in favor of this project. He said he has empathy for the surrounding property owners, but the community will benefit from this project. He said he is a Sound Engineer and the trees will produce a 20 – 40 Decibel block of sound.

Ms. Pamela Schneider Young highlighted the problems with the existing school and said she empathizes with the neighbors, but said, they bought their home close to the school.

Ms. Nicole Rios said she wanted to present the school through the eyes of a teacher. She said teachers and parents provided input into the design of the new school.

Ms. Heidi Alderman said she was on the Building Committee and as a team they worked very hard to go over every possible location.

Ms. April Wetherspoon said recognizes the value that went into the design of the school.

Mr. Brian Brown said the school is out of date and needs to be replaced. He said he spoke with the adjoining neighbors and his impression is that they are 100% in favor of building a new school, but are looking for reasonable concessions. He suggested planting 20 ft Norway Spruce or Green Giant Arborvitae.

Mr. Levey asked if anyone wished to speak in opposition.

Mr. Matt Bury said this is about the location of the school. The homeowners that abut the property agree that there is a need for a new school, but the plan is not appropriate. He said the reality is that no one is going to be affected by the school except for the neighbors. He said when he purchased his home, the school was within a setback. They will have to deal with construction. Mr. Bury said they were not against building a school. He added that no one reached out to them until the first Zoning meeting. There should have been outreach; nothing was communicated to the PTO.

Mr. Bury said that at the last meeting, the ZBA instructed Mr. Lo to meet with them, but that did not happen until today. This is the first day they saw the alternate plans.

Mr. Bury said that on Monday, there was a meeting with Mayor Rilling, Mr. Lo and others where the alternate plans were presented. Those plans do not match the options that were presented today. He asked the City to listen to their perspective. He said that in the last 24 hours, they learned that trees are something worth considering and that the dumpster will be moved.

Mr. Bury said they have spent money and time trying to get someone to listen to them. They have been told the school could be moved, but the City does not want to do that. He added that the basketball court and the tennis court could also be moved, but the City does not want to do that either. He said that the new school is bigger, with fewer classrooms. The City does not have a hardship because this is a functional school. They need open minded solution minded decisions.

Mr. Brown presented four alternate plans and said they hired a consultant. He said he was sure they could come up with a solution that would work for everyone.

Mr. Matt Forte said the new school would have a direct impact on his home. He agreed that there is a need for a new school, but up until 24 hours ago, they have been ignored. On Monday they met with Mayor Rilling, Mr. Lo and others where they presented a plan with reasonable accommodations where basketball and tennis courts were relocated. He said that Mr. Lo told them that the basketball and tennis courts were not part of this hearing.

Mr. Forte asked Mr. Lo to request a continuance to take the time to come up with a reasonable solution.

Ms. Diane Lauricella said she was retained by the Cranbury Neighborhood Association. She said many of them are in support of reasonable alternative plans,

Ms. Lauricella submitted a letter from Attorney Joel Greene dated September 30, 2021 asking that they consider continuing this public hearing. Ms. Maldonado said she forwarded the letter to the Board members.

Ms. Lauricella agreed that the parents have been waiting a long time and suggested they contact their representative. Going forward, she said she hoped there would be plans to talk to the abutting neighbors early on.

Ms. Lauricella presented documents on the screen. She asked the Board to oppose this application. She said she does environmental planning and advocates for the preservation of woodland and wetlands, but there has to be a balance. She said the delay will not be that long and offered to help Mr. Lo expedite the plan.

Ms. Lauricella said she submitted a FOI complaint because she believes the School Advisory Committee should be public meetings, but there are no agendas posted and no minutes. She asked Mr. Livingston if she could sit in on their meetings and he told her no.

Mr. Gavrielidis asked Mr. Lo to comment on the alternative plans submitted by Mr. Bury. Mr. Lo said they already looked at the plan submitted by the neighbors. He said the City set the parameters for the architectural firm. He said they are here to protect the wetlands and the woodlands and the goal is to keep the neighborhood the way it is.

Mr. Lo said they already looked at all the options and went through all the scenarios. He said the basketball and tennis courts are school functions. They reduced the tennis courts from two down to one. He said that after meeting with the Mayor and others, they spent time looking at the plan to see where they could move the tennis and basketball courts.

Mr. Lo said they can continue to look at that, but the decision is up to the school. The driving force is the school operations. The reason they do not want to move the dumpster is because the cafeteria is located in that spot. They will continue to look at the trees and will increase the number of trees. They will work with the neighbors to be sure they have better screening.

Mr. Levey said there is a need to put this item off for another month to look at the submissions from the neighbors. Mr. Conroy said the neighbors said they would approve moving the tennis and basketball courts to the other side of the school. He said the City is asking for a huge variance. Mr. Levey said that even the plan presented by the neighbors still requires a variance. He said it was easier to move the tennis and basketball courts.

Mr. Diesel said he was interested in continuing the conversation. Ms. Altman agreed and said that all parties need to talk to each other.

Mr. Levey asked Mr. Lo if the City would work with the neighbors over the next month. Mr. Lo said they would, but did not know what they could or could not accommodate. He said they could move the tennis courts, but the reason for its location is to support the school use. He said that there is the potential that instead of going to the State in December, they will have to go in January.

Mr. Lo requested a postponement to continue the conversation with the neighbors and the school administration. Mr. Levey accepted Mr. Lo's request for a continuance.

Mr. Conroy read the next application.

**B. 21-0916-01 JAVIER MANDUJANO & LAURA RODRIGUEZ – VARIANCE OF
MINIMUM LOT SIZE; 12,500 SQ. FT. REQUIRED, 9,411 SQ. FT. PROPOSED
FOR A CONTRACTOR'S STORAGE YARD IN INDUSTRIAL 1 ZONE.
PROPERTY LOCATED AT 80 FORT POINT ST.**

Attorney Nancy Aldrich represented the applicant. She reviewed the case and said the site was 3,000 feet short of the requirement.

Ms. Aldrich said the applicant's father purchased the property 20 years ago from the owners who had a business there. When they purchased the property, no one said a permit was needed to store vehicles on the property.

Ms. Aldrich described the family run landscaping business. She said that in 2019, the owner suffered a serious stroke and his son came home to support the family and run the business.

They tried to remedy the situation, but have no means to purchase another property. Ms. Aldrich said this is a commercial property and they are here because one house on the street complained. She added that the property is near the railroad tracks. She said they can't remedy the situation without a variance. Mr. Levey explained that the applicant can't use financial hardship as a basis for a variance.

Ms. Maldonado said permits were issued in the 1980s for a garage. She said a complaint went through the process and they were in front of a hearing officer a couple of times to resolve the violation.

Mr. Diesel noted that when the applicant bought the property, it was a commercial operation. Ms. Aldrich said they were told it was an auto repair business and there was a lift in the garage. Mr. Aldrich said this family bought in good faith, what this family thought was an existing business.

Mr. Gavrielidis said the use of this building is consistent with the rest of the neighborhood. The only issue is the size of the lot. This is all pre-existing.

Ms. Maldonado said there was a permit issued for a garage for storage, not commercial use.

Ms. Aldrich said her client told her there was a car repair business there. There are three buildings on the property – the residential structure and two out buildings.

Mr. Conroy asked if the business operators live on the site. Ms. Aldrich said the people who work in the business have lived on the site for 20 years, but the owner does not.

Mr. Levey asked if anyone wished to speak in support of the application.

Mr. Luis Javier Mandujano, Jr. said he did not know that anything needed to be done when he came home to help his family run the business, or he would have done it. He said the business helps to support his family and pay for his father's medical bills. He said they leave the site early in the morning and are gone all day. The home was built in 1890.

Mr. Levey asked how much landscaping materials are on the site. Ms. Aldrich said they do not keep any large equipment; they only store shovels and picks. They store three landscaping vehicle on the site, but they are out by 7:15 a.m. The garage is used to store equipment.

Mr. Conroy said that one of the difficulties is with the definition of a contractors yard. He asked who made the complaint. Ms. Aldrich said that one individual who recently moved across the street complained. He also complains about the car wash and when neighbors are outside cooking. In addition, he makes racist remarks to the workers.

Ms. Aldrich asked for a continuance. Mr. Levey said he felt they need a new application, specifically directed to a special exception rather than asking for a variance.

Ms. Aldrich withdrew the variance application and will make a separate application in the future.

Mr. Levey left the meeting at 10:00 pm

Mr. Conroy read the next application.

**C. 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 applicant requested a continuance because they have more work to do on this application. The continuance was granted.

City of Norwalk
Zoning Board of Appeals
Special Meeting
September 30, 2021
Via videoconference and teleconference
Page 7

D. 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.

Attorney Liz Suchy said her client decided to postpone the hearing to the next meeting when a full board was present. The continuance was granted.

IV. BOARD ACTION ON: A - D

No action was taken.

V. ACTION ON HEARING MINUTES – August 19, 2021

**** MR. CONROY MOVED TO APPROVE THE MINUTES AS PRESENTED
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

VI. ADJOURNMENT

**** MR. DIESEL MOVED TO ADJOURN
** MR. GAVRIELIDIS SECONDED
** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 10:37 p.m.