

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING SEPTEMBER 19, 2024
DRAFT MINUTES**

ATTENDANCE: Lee Levey, Chairman; Andrew Conroy; Steve Ferguson; Kathy Olsen; Keith Lyon; Danielle Sanchick

OTHER: Tammy Maldonado; Carlo Vona; Meredith Vona; Atty. Adam Blank; Jim Jameson; Matt Popp; Rick Constantini; Emily Marshall; Atty. Liz Suchy; Christopher Polidoro

CALL TO ORDER

Chairman Levey called the meeting to order at 7:00 P.M. There was a quorum present.

ROLL CALL

A Roll Call of those present was performed.

PUBLIC HEARINGS

A: 24-0919-01

**CARLO & MEREDITH VONA – VARIANCE FOR NUMBER OF STORIES TO RAISE
AND RENOVATE AN EXISTING SINGLE-FAMILY DWELLING IN ZONE CD-1S.
PROPERTY LOCATED AT 19 DOCK RD.**

Ms. Sanchick recused herself for this item and Mr. Lyon took her seat.

Atty. Blank came forward to discuss this item. He provided a map of the property and reviewed the history for those present. He provided photos of the property as well. He noted that there were issues with flooding which he provided images of. They will not be expanding the footprint of the house and will simply be raising it up and adding a top piece. He further reviewed the details of the zoning regulations regarding the property. They are asking for 1 and ½ floors of living space and to raise their house. He pointed out that there had been a similar situation already. They are going to decrease the impervious surface coverage to appx. 16% of the land. There will also be an improvement in drainage. There is minimal regarding proposed. He also reviewed their FEMA compliance and said that, in order to comply with FEMA, they would need to raise the house. Discussion followed as to what the hardship was. Further review followed regarding their plans for lifting the house to make it FEMA compliant.

Mr. Popp came forward to discuss this item. He reviewed his qualifications to discuss this item. He provided a map of the tidal wetlands for review. He pointed out the various ways in which

measures to prevent flooding were being taken. He said that, by his review of the project, there would be no adverse impact on the existing conditions to the tidal wetlands.

No one wished to speak in favor of this application.

Mr. Constantini came forward to speak against this item. He said he had submitted a letter prior to the meeting. He is speaking on behalf of one of the neighbors of the property. He felt that a hardship had not been properly demonstrated and had issues with the use of FEMA compliance as justification for the variance. He felt the structure could be raised without requiring a variance. He also felt that the hardships were not unique to the property and would apply to every home in the district.

Ms. Marshall came forward to speak against this item. She expressed concern that raising the house would block views of the waterfront and said it was currently blocking three houses' views and would diminish the property value of other homes. She said that the plan currently being discussed was also not the plan that Village Creek had agreed to or had been approved. Discussion followed.

Mr. Vona came forward to respond. He said this was the second proposal and the first proposal was the one Ms. Marshall was referring to. He reviewed the history of both proposals to explain the confusion. He said that their homes also had a line-of-sight 10+ feet over the current roof. He felt it was hypocritical that they were bringing their homes to their highest and best use while denying him the right to do so for his own home.

Atty. Blank came forward to respond. It was noted that there were letters of support for the property as well. He said that the hardship, while possibly shared by other properties in Village Creek, was not universal for the district and was unique to the property. He also reviewed prior court cases similar to this application.

Chairman Levey said that there were clearly issues and suggested that they provide photographs to see if the view would be obstructed. Mr. Conroy said he would also like to have the issue with the plan approval clarified and discrepancies resolved. Chairman Levey said he felt clarification was needed. It was decided to postpone this item till next month.

B: 24-0919-02
CHRISTOPHER POLIDORO – VARIANCE OF FRONT SETBACK, SECONDARY
FRONTAGE FOR AC UNIT AT SINGLE FAMILY RESIDENCE IN ZONE CD-1M.
PROPERTY LOCATED AT 120 NEWTOWN AVE.

Ms. Sanchick resumed her seat.

Atty. Suchy came forward to discuss this item. She reviewed the status of various packages and letters relating to this item and said signs had been posted regarding the hearing. The lot was previously a residence and she reviewed the details of the property. The property was purchased

in 2014. She provided maps of the property for review and discussion followed regarding the maps. She noted that there had been a similar application the prior month with Chestnut Hill. She noted that there was no viable alternative location for the work proposed. She noted that the neighbors also had no issue with the work being proposed. Discussion followed regarding the history of the difficulty and why it had not been addressed before.

A letter from Michael Kelly from 114 Newtown Avenue in support of the application was read into the record.

A member of the public came forward to speak against this item. She said that she objected to the construction of this house. However, their complaints were considered to not be relevant to the application due to being about other issues. Chairman Levey pointed them towards the proper departments for filing their complaints and dealing with their issues.

Mr. Ferguson asked how long the construction would be going on. He said the project was just about finished and they were mainly waiting on condenser approval. It was noted that there were some issues with traffic relating to the construction.

BOARD ACTION ON: A-B

B: 24-0919-02

Mr. Conroy said he felt this was a practical difficulty as opposed to a hardship. Chairman Levey said he felt this was mostly an oversight in the changes of zoning regulations.

**** CHAIRMAN LEVEY MOVED TO APPROVE ITEM B: 24-0919-02 AS SUBMITTED.
** MR. FERGUSON SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY (LEVEY, SANCHICK, CONROY, FERGUSON, OLSEN).**

A: 24-0919-01

Ms. Sanchick recused herself for this item and Mr. Lyon took her seat.

Mr. Conroy expressed concern that this could be the beginning of a mess if they weren't clear about the item. He felt they needed more information regarding the addition to the building before approval. Chairman Levey recommended a continuance on this item.

**** CHAIRMAN LEVEY MOVED TO APPROVE A CONTINUANCE OF ITEM A: 24-0919-01 UNTIL THE NEXT MEETING.
** MR. LYON SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY (LEVEY, CONROY, LYON, FERGUSON, OLSEN).**

Discussion followed regarding what information was desired by the next meeting.

ADMINISTRATIVE ACTIONS

A. COASTAL SITE PLAN ACTION – 220 GREGORY BLVD. (VARIANCE #24-0718-01 GRANTED ON 8/15/2024)

Ms. Sanchick resumed her seat.

Mr. Conroy said that they had forgotten to include language regarding CAM review that they had met the requirements and that needed to be added.

**** MR. CONROY MOVED THAT THE COASTAL SITE PLAN APPROVAL IS
CONSISTENT WITH CCMA.**

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

**** THE MOTION PASSED UNANIMOUSLY (LEVEY, SANCHICK, CONROY,
FERGUSON, OLSEN).**

B. ACTION ON HEARING MINUTES – AUGUST 15, 2024

**** CHAIRMAN LEVEY MOVED TO APPROVE THE MINUTES OF AUGUST 15, 2024
AS SUBMITTED.**

**** MS. SANCHICK SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (LEVEY, CONROY,
FERGUSON, SANCHICK) AND TWO (2) ABSTENTIONS (LYON, OLSEN)**

ADJOURNMENT

**** MR. FERGUSON MOVED TO ADJOURN.**

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

**** THE MOTION PASSED UNANIMOUSLY (LEVEY, SANCHICK, CONROY,
FERGUSON, OLSEN).**

The meeting was adjourned at 9:12 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services