

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 19, 2019**

ATTENDANCE: Lee Levey, Chair; Marilyn Altman, Andrew Conroy, Chris Gavrielidis, David Heuvelman, Taylor Strubinger.

STAFF: Aline Rochefort, Zoning Inspector; Tammy Maldonado, Compliance Inspector

OTHERS: Mark Vattili, State of Connecticut DOT; Tom Feeley; Atty. Liz Suchy, Carmody Torrance Sandak & Hennessey LLP; Mr. Rob Sanders, architect; Randolph Briggs

CALL TO ORDER

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

ROLL CALL

Mr. Levey called the roll A quorum was present. He then read the protocol for the hearings.

PUBLIC HEARING

A 19-0822-03 – Shivan & J. Krupa, Inc. – Variance to legalize ground sign constructed in wrong location in contravention of permit issued. Business 2 zone. Property located at 344 Westport Avenue.

Mr. Vattili came forward and said that he had mis-calculated the distance from the center line of the road on Westport Avenue because he mistakenly assumed that the median line in the road was actually located in the center of the road.

Mr. Heuvelman asked if the State had done a survey. Mr. Vattili said that the survey does not show the center line.

Mr. Levey asked if there were any diagrams that would show the sight lines because he wished to insure that the vehicles pulling out onto Westport Avenue would have clear sight lines. Mr. Vattili said that the photos do not indicate any issues. Mr. Levey said that he wanted to see the sight lines. Mr. Vattili pointed out that the sign was now located 27 feet back from the road. Mr. Levey said that he needs a diagram that shows the sight lines. Mr. Feeley asked if the diagram with sight lines could be submitted. Mr. Levey said that once the hearing was closed, nothing else could be submitted.

Mr. Vattili said that if they moved the sign back three more feet, there might be problems with it being too close to the foundation of the building. He added that the owners were planning on some renovations including raising the roof for better access to the electrical wires. If the sign is too close to the building, it could interfere with that.

Mr. Levey said that they should have gone to a traffic engineer. Mr. Vattili said that this was the first time he was hearing about the need for a traffic engineer. Mr. Levey said that these were the same questions that were asked of all the sign applications.

Ms. Altman asked about the details of the State survey. Mr. Vattili reviewed the details with her. She then asked how much it would cost to move the sign. Mr. Vattili said it would cost about \$10,000. Mr. Heuvelman pointed out that cost was not something the Board could consider.

Mr. Levey said that his main concern had to do with the sight lines of the vehicles entering Westport Avenue from the site. Mr. Vattili repeated that the sign was 27 feet from the road. He added that the embankment would be reduced when the sidewalk was installed and that the slope would be modified. Discussion followed.

Mr. Levey asked if there was anyone present who was in favor of the project. No one came forward. He then asked if there was anyone present who opposed the project. Hearing none, Mr. Levey closed the hearing on Application 19-0822-03 for 344 Westport Avenue at 8:02 p.m.

B 19-0919-01. Sono Development Partners, LLC. – Variances for signage for new hotel, one additional wall sign for western façade facing railroad. Washington Street Design District. Property located at 47 South Main Street.

Atty. Liz Suchy of Carmody Torrance Sandak & Hennessey LLP came forward and said that she was representing the Sono Development Partners, LLC. She submitted the green mailing cards and some additional letters. Atty. Suchy then requested that the Board include the testimony from April.

Atty. Suchy reminded the Board that they had previously granted a variance for the signage at 47 South Main Street.

Mr. Heuvelman asked if there was any lighting on the sign. Atty. Suchy said that there was no lighting on the sign.

Mr. Levey said that he when was in a variety of different cities, he realized that for a pedestrian, the signage was important. He said that he felt that the changes were made to the sign design were very positive.

Atty. Suchy said that apparently, there was only one sign that identifies Sono, which was under the railroad tracks. Discussion followed.

Mr. Levey asked if there was anyone present who was in favor of the project. No one came forward. He then asked if there was anyone present who opposed the project. Hearing none, Mr. Levey closed the hearing on Application 19-0919-01 for 47 South Main Street at 8:13 p.m.

Mr. Levey recused himself at 8:13 p.m. Mr. Conroy assumed the chair.

19-0919-02 – Randolph Briggs & Elaine McCarthy – Variance to add roofed porch & screened porch to existing residence in AA Residence Zone. Property located at 300 Newtown Ave.

Mr. Sanders came forward and said that he was representing the applicants. He submit the green mailing cards. Mr. Sanders displayed a site map and indicated where the porch would be located, along with some historic photographs showing where the porch previously existed.

Mr. Sanders said that there was a shed on the property that needs to be moved out of the 10 foot setback.

Mr. Briggs said that when the house was purchased, a small portion of the south porch was there, but it was in poor condition. The north portion was not there.

Mr. Sanders said that they had a fresh survey done to verify the dimensions. He reviewed the details with the Board Members.

Mr. Gavrielidis asked if they would be moving the shed. Mr. Sanders said that they would.

Mr. Conroy asked if there was anyone present who was in favor of the project. No one came forward. He then asked if there was anyone present who opposed the project. Hearing none, Mr. Conroy closed the hearing on Application 19-091902 for 300 Newtown Ave. at 8:26 p.m.

BOARD ACTION ON: A—C

19-0919-02 – Randolph Briggs & Elaine McCarthy – Variance to add roofed porch & screened porch to existing residence in AA Residence Zone. Property located at 300 Newtown Ave.

**** MR. HEUVELMAN MOVED TO APPROVE APPLICATION 19-0919-02 – RANDOLPH BRIGGS & ELAINE MCCARTHY – VARIANCE TO ADD ROOFED PORCH & SCREENED PORCH TO EXISTING RESIDENCE IN AA RESIDENCE ZONE WITH THE CONDITION THAT THE SHED BE RELOCATED TO COMPLY AND PERMITS OBTAINED. PROPERTY LOCATED AT 300 NEWTOWN AVE.**

**** MR. GAVRIELIDIS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Levey rejoined the meeting at 8:28 p.m. and resumed the chairmanship.

19-0919-01. Sono Development Partners, LLC. – Variances for signage for new hotel, one additional wall sign for western façade facing railroad. Washington Street Design District. Property located at 47 South Main Street.

**** MR. HEUVELMAN MOVED TO APPROVE APPLICATION 19-0919-01. SONO DEVELOPMENT PARTNERS, LLC. – VARIANCES FOR SIGNAGE FOR NEW HOTEL, ONE ADDITIONAL WALL SIGN FOR WESTERN FAÇADE FACING RAILROAD. WASHINGTON STREET DESIGN DISTRICT. PROPERTY LOCATED AT 47 SOUTH MAIN STREET.**

**** MS. ALTMAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

19-0822-03. – Shivan & J. Krupa, Inc. – Variance to legalize ground sign constructed in wrong location in contravention of permit issued. Business 2 zone. Property located at 344 Westport Avenue.

Mr. Levey said that he had major problems with this. The responsibility falls on the sign company and the project manager. Mr. Heuvelman said that he had difficulty with the claim that the center line was not indicated on the State survey.

Mr. Levey said that the additional information about how the owner was going to be renovating the building and raising the roof by five feet did not have any bearing on the application.

A discussion followed about whether the difference would be with a simple denial or a denial without prejudice.

Mr. Levey pointed out that there are some communities that have an Architectural Review Committee that considers not only the buildings, but also the signs since they are also structures. Discussion followed.

**** MR. LEVEY MOVED TO DENY APPLICATION 19-0822-03. – SHIVAN & J. KRUPA, INC. – VARIANCE TO LEGALIZE GROUND SIGN CONSTRUCTED**

**IN WRONG LOCATION IN CONTRAVENTION OF PERMIT ISSUED.
BUSINESS 2 ZONE. PROPERTY LOCATED AT 344 WESTPORT AVENUE.**

**** MR. STRUBINGER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ACTION ON HEARING MINUTES

• August 22, 2019

**** MR. HEUVELMAN MOVED TO APPROVE THE MINUTES OF AUGUST 22, 2019 AS SUBMITTED.**

**** MR. LEVEY SECONDED.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (LEVEY, ALTMAN, GAVRIELIDIS AND HEUVELMAN) AND TWO (2) ABSTAINING (CONROY AND STRUBINGER).**

ADJOURNMENT

**** MR. LEVEY MOVED TO ADJOURN.**

**** Mr. STRUBINGER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

S. L. Soltes

Telesco Secretarial Services

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(Approved October 17, 2019)**

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