

**CITY OF NORWALK
ZONING BOARD OF APPEALS
AUGUST 19, 2021
VIA TELECONFERENCE**

ATTENDANCE: Lee Levey, Chair; Andrew Conroy; Keith Lyon; Marilyn Altman; Tad Diesel

STAFF: Michelle Andrzejewski; Alan Lo, Tammy Maldonado

OTHERS: Attorney Adam Blank; Jonathan Gombotz, CSG Construction ; Lisa Yates; Antinozzi Associates; Kent Gannon, Stantec; Phillip Katz, Stantec; Diane Keefe; Diane Lauricella; Matt Bury; Matt Forte; Christopher Cascio

CALL TO ORDER

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

PUBLIC HEARINGS

A. 21-0189-01 Francis Ehrisman Proposed Motor Vehicle Sales and Repair in Neighborhood Zone. **Property located at 24 Van Zant Street.**

Applicant said it is a small shop that services about 4-5 exotic cars per week. He said it is low key shop and nothing gets left outside. He said needed more space and no changes will be done to the building.

There was no one to speak in favor or in opposition to the application.

Mr. Levey said his concern was with auto repair businesses cars are typically left outside or on the street. Applicant assured him this would not happen especially since the cars are so valuable.

Mr. Conroy asked if he would have to apply to DMV for a license. He confirmed a license for new car sales would be needed to be obtained.

Mr. Levey closed the item.

B. 21-0819-02 John Wyclif - Variance of parking requirement for proposed retail use and existing retail use in neighborhood business zone. **Property located at 155 South Main Street.**

Mr. Blank, attorney for applicant, introduced himself. He showed the board pictures of the building and said the neighbors were notified. The property, which used to be a Church, has three legal parking spaces. The proposed new retail use and existing residences require 6 parking spaces. Thus the need to apply for a variance for number of parking spaces.

Mr. Levey asked if the owner will be making site improvements. Mr. Wyclif said the property will be upgraded. Mr. Blank said this property was acquired this year.

Mr. Diesel asked if another car or two be accommodated. Mr. Blank said if more spaces can be included that will be a benefit.

Ms. Altman asked if the area in the back will be able to accommodate deliveries. Mr. Wyclif said the street is wide enough for deliveries to be made and dropped off on the sidewalk.

Ms. Diane Keefe, 249 Chestnut Hill Road, spoke about the project. She said since there are so many package stores already in Norwalk she feels that is better to put a limitation on it than approving a package store where a church was.

Ms. Maldonado said there are no distance limitations on how many package stores can exist in zones where retail is allowed.

Mr. Levey closed the item.

C. 21-0819-03 City of Norwalk Variance of rear setback 223 required, 68.45 proposed **Property located at 12 Knowalot Lane.**

Mr. Levey said the board will take no comments on the design of the building. He said the school is a significant feature in the neighborhood.

Mr. Lo began the presentation for the City along with the design project team. Ms. Yates of Antinozzi was the first presenter. She showed an aerial view of Cranbury School built in 1959

and said the construction will stay in the previously developed area. Ms. Yates explained half of the site inhabits wetlands and they would like to keep the kids in the school during construction.

Mr. Lo explained Common Council, Land Use and Building Management have reviewed the project as well as Board of Education and Finance Committee. He said the design phase began last October and the project has been in the works for two years.

Mr. Gannon and Phillip Katz of Stantec Consulting firm for the applicant. Mr. Gannon detailed the proposed plan and explained the setbacks required by special permit for the new school building. Mr. Gannon explained the formula for determining the 223 foot setback and noted the large amount of wetlands.

Mr. Matt Bury, 2 Knowalot Lane, said he submitted a letter with some concerns. He said he had not received notification until His concern is where the new school will be located and what that change in the variance means to our neighborhood. Mr. Bury said he is frustrated even though the whole neighborhood is in favor of the project. He would like to be consulted and part of the process.

Ms. Diane Lauricella, who has lived in the Cranbury area for 15-20 years. She said she is in favor of upgrading or a new school building. Ms. Lauricella said the hardship might affect the neighbors as well. She said maybe the new building should be moved a little bit to the east. She said moving the sports facility west is not wise.

Ms. Lauricella said the Zoning Inspector may have made an error to go to public hearing because some of the neighbors were not properly noticed. She said this is important and half of the abutters were never notified at all.

She said traditionally bring up big projects in August when many people on vacation. She proposed this be put on hold for one month and move some of the sports facilities to the east and a 200 year old tree not be destroyed.

Mr. Levey asked which property owners were not notified.

Ms. Lauricella said 2-3 owners did not receive the certified letter. She said a few were sent to the wrong place, but does not have the names or addresses.

Mr. Levey asked how to work around the existing building.

Ms. Lauricella said originally the gym was going to be renovated. She said she would prefer to renovate as new and keep the existing footprint.

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Ms. Altman asked what is causing the hardship for the neighbors.

Ms. Lauricella said by moving the building further west said there are potential issues with lighting and a possible amphitheater and bouncing balls which create almost constant noise. She added the enjoyment of the backyard for homeowners could be diminished.

Mr. Forte, 258 Grumman Avenue, said he supports the project but does not feel the variance should be granted because there is no hardship.

He said three homeowners received no notice and two others received notice a week before the meeting. He said he is in construction and there is plenty room for the site without jamming the tennis and basketball courts against the homes. Mr. Forte said there is room for tennis and basketball court and added Nature's Classroom could be moved to the back of the school. He said as proposed it will be 120 feet closer to our property line. He said due to lack of notice the board should not be voting tonight and also does not see a hardship.

Mr. Levey referred him to the state statutes on qualifying for a variance and requested Mr. Forte look it up.

Ms. Keefe spoke next and said some of the trees were taped and that is how she learned about the project. She said 50 feet is a big difference and said be sympathetic to the people whose property abuts the project.

Mr. Christopher Cascio, 246 Grumman Avenue, said his backyard comes close to the property. He said the school is so close to his property. He said he is a graphic designer and this will not look good and said it should not be decided at this time.

Mr. Lo said nothing was meant to deceive anybody and all the notices were sent out.

Ms. Maldonado said the meeting was published in the Norwalk Hour.

Mr. Lo added there will be only 1 tennis court and the basketball will be two half courts and not a full court and added there is no school team. He said the parking lot is at the edge of the wetland area. He said there will be a little area in the front of the school for events but it is not an amphitheater. He said nothing is secret and there is nothing to hide. Mr. Lo said he believes it is best to leave the wetlands alone and keep the existing parking lot in the front. He said he is happy to show the plans and is willing to meet with any neighbors who have concerns.

There was a short debate about the back of the building. Mr. Levey said the back of the building would have to be paved so a Fire Truck can park and turn around.

Mr. Conroy said he agreed the notice requirement was not met.

Mr. Levey closed the item.

**** MR. LYON MADE A MOTION TO KEEP ITEM C OPEN**

**** MR. LEVEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

BOARD ACTION ON A, B, C & Request for Extension of Time on 6 Golden Ct. Variance # 21-0218-02 and 490 Westport Ave. Variance # 21-0218-01

The board discussed Item B. Mr. Levey said he wanted an agreement that the property owner would improve the site and refuse area is a mess. Mr. Levey said a stipulation should state an improvement to the site and refuse facility. Mr. Lyon suggested a condition regarding the active area square feet.

**** MR. LEVEY MADE A MOTION TO APPROVE 155 SOUTH MAIN STREET WITH THE FOLLOWING CONDITIONS: IMPROVE THE SITE, ADD A REFUSE FACILITY AND KEEP THE INTERIOR ACTIVE SPACE TO 400 SQUARE FEET**

**** MR. LYON SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The board agreed that Item A did not need much debate,

**** MR. LEVEY MADE A MOTION TO APPROVE 24 VAN ZANT STREET**

**** MR. LYON SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Mr. Levey said he has no problem with granting a 6 month extension. Applicant explained his wife had open heart surgery in June. Mr. Conroy asked if the property is up for sale. He said it is not up for sale.

**** MR. LEVEY MADE A MOTION TO APPROVE A 6 MONTH EXTENSION ON 6 GOLDEN CT.**

**** MR. DIESEL SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The board next discussed the proposed extension for 490 Westport Avenue. Mr. Klein representative for applicant. He requested a 6 month extension to get materials and begin construction.

**** MR. LEVEY MADE A MOTION TO EXTEND THE VARIANCE AN ADDITIONAL 6 MONTHS**

**** MR. LYON SECONDED**

**** MOTION PASSED 4-0 WITH FOUR (4) IN FAVOR AND 1 (ONE) ABSTENTION (MR. CONROY).**

ACTION ON HEARING MINUTES June 17, 2021 and July 15, 2021

The only correction noted was the name of Mr. Diesel which was misspelled throughout the July 15, 2021 minutes.

**** MR. LEVEY MADE A MOTION TO APPROVE THE MINUTES OF JUNE 17, 2021**

**** MS. ALTMAN SECONDED**

**** MOTION PASSED 4-0 WITH FOUR (4) IN FAVOR AND ONE (1) ABSTENTION (MR. DIESEL).**

**** MR. LEVEY MADE A MOTION TO APPROVE THE MINUTES AS AMENDED OF JULY 15, 2021**

**** MOTION PASSED UNANIMOUSLY**

ADJOURNMENT

**** MR. DIESEL MADE A MOTION TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

Meeting adjourned at 8:46 p.m.