

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES JULY 21, 2022**

ATTENDANCE: Andy Conroy, Chairman; Marilyn Altman; Lee Levey; Tom Farkas; Danielle Sanchick

STAFF: Tammy Maldonado

OTHER: Atty. Liz Suchy; Atty. Christopher Russo; Atty. Lukas Thomas; Wayne D'Avanzo; Diane McGill; Mark Seaman; Steven Sedita

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:31 P.M. There was a quorum present.

ROLL CALL

Chairman Conroy performed a roll call of those present.

PUBLIC HEARINGS

(CONTINUED FROM MAY 19)

22-0519-01

**SEDITA FAMILY II, LLC ET AL – VARIANCE TO ALLOW: PARKING WITHIN THE FRONT SETBACK,
COMPACT SIZE IN LIEU OF STANDARD SIZE PARKING SPACES AND RELIEF FROM REQUIRED BACK UP
AISLE DIMENSION AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 8 YARMOUTH RD.**

This building was constructed before zoning regulations were adopted and has pre-existing non-conformities. The lot is both a through and corner lot with a very limited allowed building envelope. There was no compliant location found for parking on the property. The prior hearing on this lot happened in May.

Atty. Suchy came forward to discuss this item. She reviewed the suggestions regarding parking that had been made prior. One suggestion would not be possible due to issues with the Department of Public Works. She provided the plans for a second possible parking arrangement. She reviewed the advantages of her proposed parking set-up.

Mr. Levey asked to confirm that the possibility of two parallel parking spaces had been abandoned entirely.

Atty. Suchy confirmed this.

Mr. Sedita came forward to discuss this item. They have been on Bell Island for over 50 years and are aware of the parking challenges. He noted that the house was 125 years old and recounted some of its history for the Board.

Mr. Farkas asked to confirm that there was no plan to place a canopy over the spots.

Atty. Suchy confirmed this.

Ms. Altman asked to confirm that the neighbors were in favor of this.

Atty. Suchy said that the neighbors had been notified and two letters of support had been received for the project and had not received any letters of objection. They will be keeping the parking spots gravel. They have also met with the chairman of the Bell Island Beautification Committee and they were approving of the spots.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

(CONTINUED FROM JUNE 16)

22-0616-01

**BBB PULASKI, LLC – VARIANCE TO REDUCE THE MINIMUM LOT AREA PER DWELLING UNIT TO ADD (1) DWELLING UNIT WITHIN AN EXISTING BUILDING FOR A TOTAL 16 UNITS (8 UNITS IN EACH BUILDING).
PROPERTY LOCATED AT 8 AND 10 PULASKI ST.**

This application was withdrawn previously due to a lack of commissioners.

Atty. Russo came forward to discuss this item. He provided photos for the Board. He recapped the history of the property for the Board. He noted that the regulations for elderly housing would allow for 20 units on their site. The City passed workforce housing regulations in 2021 and the client felt they could provide towards the workforce housing goal and provide a unit within the existing floor area. The property was already previously rented out at having 16 units by the prior owner of the property. The area already has many multi-family developments. There will not be any major changes on-site or in the neighborhood. He noted that they would also be reducing two non-conformities. Namely the lack of a recreation area on-site and there will be a 510 square foot place under the proposed plans and a possible second recreation location as well. They will also be increasing the amount of workforce housing units on the lots to 6.25%.

Chairman Conroy asked how much space was needed for the workforce housing requirement. Discussion followed regarding the required amount of workforce housing.

Mr. Levey asked how many children were currently living in the area and what would be in the recreational area.

Atty. Russo said he didn't know the exact number of children but they were there. They were planning to install a playground swing set and picnic benches.

Ms. Altman asked about the number of people who could rent the unit. Atty. Russo said he didn't know if there was a limit on the number of people that could rent a unit. He noted that the unit would be

small though and unlikely to be rented by a large family. There is also currently enough parking for 16 units. He noted that any future units added would also need to be workforce housing units until they hit 10% of the units. Further discussion followed.

No one wished to speak in favor of this application.

No one wished to speak in opposition to this application.

22-0616-04

LEONARDO & NATALINA FINO – VARIANCE FOR NUMBER OF STORIES AND TO ALLOW PARKING WITHIN THE FRONT SETBACK FOR AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 34 BURRITT AVE.

The owner of the property started working without a permit and was ordered to stop work in January of 2021. This is a self-created hardship. Chairman Conroy noted that they had had a similar application recently.

Atty. Thomas came forward to discuss this item. He recapped why the applicant had done these actions and said they were seeking a variance for multiple reasons. The house was built in 1930 and getting cars off the road and onto their property would be a benefit. He said that the neighbors had voiced their approval for the project. He provided pictures of the site for the Board including an image of what it was like in 2014. The owner is knowledgeable in masonry but is not a contractor. Further discussion followed.

Chairman Conroy asked how many permits had been taken out to do this work.

Atty. Thomas said that one permit had been taken out to remove a sewer main break.

Mr. Levey asked if there was an architect or engineer who would certify that the foundation of the house and retaining walls was sufficient to support what was built without permits.

Atty. Thomas said that nothing was built and everything in the house was pre-existing. According to the client it has been certified regardless. There is not, currently, an engineer or architect who can certify it though. Mr. Levey noted that the number of stairs required to enter the house had not changed for the elderly as well. Further discussion followed regarding the stairs. A legal staircase was planned to be placed in to allow movement between the basement and first floor of the house. It will also have an electric lift for the elderly. They have not received permission from DPW for a curb-cut yet. Further discussion followed regarding the timeline and lack of permissions.

Chairman Conroy raised the possibility of continuing so the applicant could get an architect to examine the house but said he felt this was egregious and Mr. Levey agreed and said he felt it should be denied in totality. Discussion followed regarding if the item should be continued or not and how egregious the violations were. This item will be continued till the September meeting.

22-0721-01

MARK SEAMAN – SPECIAL EXCEPTION TO SEPARATE 2 ADJOINING LOTS MERGED. PROPERTY LOCATED AT 197 AND 199 NEWTOWN AVE.

Mr. Levey recounted the history of the lot for the Board. The only non-conformity is the access way which is 15 feet instead of the 25-foot requirement. The history indicates that this lot was intended to be built upon at some point.

Atty. Suchy came forward to discuss this item. The neighbors have been notified and any return receipt cards have been returned to staff and should be part of their files. The 1963 subdivision map was shown to the Board. She reviewed why the lots were considered merged and why they wished to have them unmerged. There is no building planned at this time and any future building would need to go through the required board and commissions. The applicant had no intention to merge the lots. She provided documents showing the lots were frequently treated as being separate instead of one joined lot.

Mr. Mark Seaman came forward to speak in favor of this item. He purchased the property in 2011 and was informed it was two lots and all the records indicated that it was two lots at the time. He was surprised to find that they had been merged into one lot without his notification. He has worked to clean up the property since he acquired it as well.

No one else wished to speak in support of this application.

A letter from Mr. and Ms. Klein was received speaking against this application. She was concerned that, if the property was separated, the lot would be sold to a builder which would obstruct their view of the pond on the property and decrease their property value. The letter further detailed their concerns over having their property values decreased by potential development of the lot.

A letter from Mr. and Ms. Bucks was received speaking against this application. They are concerned that, if the lot is developed, there will be flooding issues on their property. Their property has experienced flooding frequently due to the brook on it overflowing already.

A letter from Mr. and Ms. Costa was received speaking against this application. They were concerned about potential violation of setback rules for the proposed access. They also expressed environmental concerns due to the existence of the pond and potential construction that might happen on the lot. If the lot becomes a separate, buildable, parcel it might be developed reducing the property value of their lot.

No one else wished to speak against this item.

Atty. Suchy came forward to rebut. Mr. Levey asked her if she would need to go back to the Conservation Commission given the amount of time that's lapsed. She said the permit was no longer valid and a new one would need to be obtained should any development be done on the lots should they be deemed separate, and a new survey done. Additionally, any development needs to have a 40-foot setback on all sides. She noted as well that there was no right to a view in Connecticut. Their only focus is on proving that there was no intent to merge the properties and obtaining a variance for that purpose.

22-0721-02
TEN VAN TASSELL COURT LLC - PROPOSED MOTOR VEHICLE REPAIR APPLICATION.
PROPERTY LOCATED AT 8 VAN TASSELL CT.

Mr. Levey recounted the history of the lot for the Board.

Atty. Suchy came forward to discuss this item. The neighbors have been notified of this item and any green cards have been returned to the staff. She recounted some of the businesses on Van Tassell Court. She provided a map of the site for the Board. The client has no intent to get on the City's tow list and there will be no sale of motor vehicles from the property. All motor vehicle work will be undertaken within the structure. This is not a variance and there is no hardship standard as a result. Atty. Suchy reviewed the standards of review for the property for the Board.

No one wished to speak in support of this application.

No one wished to speak in opposition to this application.

BOARD ACTION ON: A – E

22-0721-02
TEN VAN TASSELL COURT LLC - PROPOSED MOTOR VEHICLE REPAIR APPLICATION.
PROPERTY LOCATED AT 8 VAN TASSELL CT.

**** MR. LEVEY MOVED TO APPROVE APPLICATION 22-0721-02 TEN VAN TASSELL COURT LLC - PROPOSED MOTOR VEHICLE REPAIR APPLICATION. PROPERTY LOCATED AT 8 VAN TASSELL CT. AS SUBMITTED.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

22-0721-01
MARK SEAMAN – SPECIAL EXCEPTION TO SEPARATE 2 ADJOINING LOTS MERGED. PROPERTY LOCATED AT 197 AND 199 NEWTOWN AVE.

Mr. Levey noted that it seemed like they had always been separate lots. He felt Mr. Seaman had the right to use them as separate lots and the neighbors did not have a right to a continued view.

**** MR. FARKAS MOVED TO APPROVE ITEM 22-0721-01 MARK SEAMAN – SPECIAL EXCEPTION TO SEPARATE 2 ADJOINING LOTS MERGED. PROPERTY LOCATED AT 197 AND 199 NEWTOWN AVE. AS SUBMITTED.**

**** MR. LEVEY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

22-0616-04
LEONARDO & NATALINA FINO – VARIANCE FOR NUMBER OF STORIES AND TO ALLOW PARKING WITHIN THE FRONT SETBACK FOR AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 34 BURRITT AVE.

It was decided that this item would be continued to the September 15th meeting of the ZBA.

22-0616-01

BBB PULASKI, LLC – VARIANCE TO REDUCE THE MINIMUM LOT AREA PER DWELLING UNIT TO ADD (1) DWELLING UNIT WITHIN AN EXISTING BUILDING FOR A TOTAL 16 UNITS (8 UNITS IN EACH BUILDING). PROPERTY LOCATED AT 8 AND 10 PULASKI ST.

**** CHAIRMAN CONROY MOVED TO APPROVE APPLICATION 22-0616-01 BBB PULASKI, LLC – VARIANCE TO REDUCE THE MINIMUM LOT AREA PER DWELLING UNIT TO ADD (1) DWELLING UNIT WITHIN AN EXISTING BUILDING FOR A TOTAL 16 UNITS (8 UNITS IN EACH BUILDING). PROPERTY LOCATED AT 8 AND 10 PULASKI ST. WITH THE FOLLOWING CONDITIONS.**

- **TWO WORKFORCE HOUSING UNITS, EACH UNIT BEING A SINGLE-BEDROOM UNIT.**
- **A RECREATION AREA DESIGNATED AT EACH BUILDING FOR A TOTAL OF TWO RECREATION AREAS AT A MINIMUM OF 500 SQUARE FEET EACH.**

**** MR. LEVEY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

ACTION ON HEARING MINUTES – JUNE 16, 2022

**** MR. LEVEY MOVED TO APPROVE THE MINUTES OF JUNE 16, 2022 AS SUBMITTED.**

**** MR. FARKAS SECONDED THE MOTION.**

**** THE MOTION PASSED WITH THREE IN FAVOR (LEVEY; FARKAS; SANCHICK) AND TWO ABSTAINING (CONROY; ALTMAN).**

22-0519-01

SEDITA FAMILY II, LLC ET AL – VARIANCE TO ALLOW: PARKING WITHIN THE FRONT SETBACK, COMPACT SIZE IN LIEU OF STANDARD SIZE PARKING SPACES AND RELIEF FROM REQUIRED BACK UP AISLE DIMENSION AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 8 YARMOUTH RD.

**** MR. CONROY MOVED TO APPROVE ITEM 22-0519-01 SEDITA FAMILY II, LLC ET AL – VARIANCE TO ALLOW: PARKING WITHIN THE FRONT SETBACK, COMPACT SIZE IN LIEU OF STANDARD SIZE PARKING SPACES AND RELIEF FROM REQUIRED BACK UP AISLE DIMENSION AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 8 YARMOUTH RD.**

**** MR. FARKAS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

STATUS OF TRAINING

Chairman Conroy asked if there were any suggestions to fill the vacancies. No suggestions were made at this time. A brief discussion on how to handle training with the possibility of online courses was raised.

ADJOURNMENT

**** MR. LEVEY MOVED TO ADJOURN.**
**** MR. FARKAS SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:45 P.M.