

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 20, 2023**

ATTENDANCE: Andy Conroy, Chair; Marilyn Altman, Thomas Farkas, Steve Ferguson, Benjamin Hanpeter, Lee Levey, Keith Lyons, Danielle Sanchick

OTHERS: Tammy Maldonado, Planning and Zoning; Michal Butler, Wilder Gleason

This meeting was held via teleconferencing.

I. CALL TO ORDER

Mr. Conroy called the meeting to order at 7:35 p.m.

II. ROLL CALL

Mr. Conroy announced the Board Members who were seated. He read the instructions for submitting email comments, verbally comment and/or watch the Board meeting.

III. PUBLIC HEARINGS

A. 23-0720-01 Clever Garcia - Variance of front setback for a proposed 2 story addition and front porch at existing single family residence. Property located at 2 Cedar Crest Pl.

The Board Members seated for this hearing were Ms. Altman, Mr. Farkas, Mr. Ferguson, Mr. Hanpeter and Ms. Sanchick.

Mr. Levey read the information for the application.

Mr. Michal Butler came forward and introduced himself. The request is for a front setback reduction variance from 30 feet to 14 feet. The existing front porch is already non-conforming. The applicant wishes to convert a portion of the porch on the side into living space. The existing porch is unstable and in need of replacement. The roof is also leaking. The front porch was constructed without a foundation. It could be lifted by heavy winds. The replacement would comply with the current State requirements.

Mr. Levey asked if there were maps or surveys showing this. Mr. Butler said that he has submitted the surveys with the application. Mr. Levey said that he did not have the maps in front of him. Ms. Maldonado displayed the drawings on screen. The Board Members reviewed the site

plan and the elevation drawings. Mr. Butler said that the front porch construction was done without a permit and was not sound.

The Board then reviewed the changes for the proposed second story. Mr. Conroy asked if any work had been done on the house at this time.

Mr. Butler stated no work has been done yet.

Mr. Levey objected to the cantilevered roof. Mr. Butler said that it was just the overhang of the roof.

Mr. Hanpeter asked why they were expanding the front office space. Mr. Butler said that the space was very narrow and they just wanted to expand the living room. Discussion followed.

Mr. Conroy said that the applicant needed a hardship. Mr. Butler said that he was aware of this. The porch will not be moved closer to the street.

Mr. Conroy asked if there were any members of the public that wished to comment. Ms. Maldonado said that there were no members of the public present and no comments had been submitted.

B. 23-0720-02 Robert Counihan & Maura Bonanni - Variance of front setback for a proposed 2 story addition at existing single family residence. Property located at 1 Cudlipp St.

The Board Members seated for this hearing were Ms. Altman, Mr. Conroy, Mr. Farkas, Mr. Levey and Mr. Lyon.

Mr. Levey read the information for the application. Mr. Lyon stated that Mr. Wilder was representing the applicant and noted that Mr. Wilder had represent him in the past. Mr. Conroy said that this issue had come up before and unless the Board Member or a family member were directly involved in this, no recusal was necessary.

Mr. Wilder Gleason came forward and greeted the Board. He said that the owners purchased the property in 2015 and did a substantial renovation of the property in 2016 They added an in ground pool in 2017. He then displayed the Assessor's Card. The building was constructed in 1909. Mr. Gleason then reviewed details of the parcel and explained that they had realigned the lot lines of the two parcels that the residence is located on.

The DEEP has restrictions on waterfront property and there are tidal wetlands that are also located on the property. The building is also located within the AE elevation 13 flood zone. He

displayed photographs of property and noted that the stone wall at the front of the house appears to be on the property line. The addition will be opposite the driveway.

The addition will have a unoccupied lower level with a first floor level of 14 feet. Both of the owners work from home and found that during COVID they needed more space.

The designer created the new addition in the same style as the original house. Mr. Gleason gave an overview of the changes that they made to avoid additional variances. He also displayed site plans and internal floor plans. The street side of the house view will be limited by the existing stone wall and a row of existing trees.

Mr. Gleason then displayed an elevation showing the hardships due to the proximity of the tidal wetlands and the waterfront along with the demarcated flood area. He said that this was a reasonable compromise with the needs of the family and the regulations.

Mr. Conroy asked how much of the original 1909 construction still exists. Mr. Gleason said that he did not know.

Mr. Conroy asked why they were asking for the addition. Mr. Gleason said that during COVID, the owners needed to work from home and realized their space was too small.

Mr. Conroy asked about the vacant lot that was on the south side of the property. Mr. Gleason said that it was a buildable lot but any construction would need a variance.

Mr. Levey said that there was a rear terrace shown on the drawings. Mr. Levey said that the drawings do not indicate this. He added that they could push the building back the width of the terrace. He objected to the terrace being there when they have stated they can't build any further back.

Mr. Levey said that Mr. Levey had mentioned the flood elevation 15 and wished to know what the flood elevation was for the house and the proposed addition. Mr. Gleason said that he believed it was at 15.

Mr. Levey asked whether the foundation under the addition was a basement or a crawl space. Mr. Gleason said that they could not have a basement in a flood zone. Mr. Levey said that break away walls were required. Mr. Gleason said that the break away walls were required in a velocity flood zone. The AE elevation flood zone is a non-velocity flood zone. Only flood vents are needed.

The designer then explained that the back terrace was a cantilevered slab so it would not impact the wetlands. He indicated where the cantilevered structure was on the side elevation. Mr. Gleason asked the designer if they could move the addition further back. The designer replied

that moving the building further back would impact the set backs. The cantilevered slab was created for access and it was limited to the water and wetland setbacks.

Mr. Levey stated that the addition could be moved back by removing the terrace. Mr. Levey said that the surveyor did not properly show the terrace and this could be a problem with the equipment. Discussion followed.

Mr. Conroy asked the Board if they would continue the application. There was a general consensus that this would be acceptable.

Mr. Conroy said that he was concerned about the total mass of the building. He said that they needed to convince the Board why the applicants needed the variance.

Mr. Levey said that he was concerned about the buildability of the adjacent lot. Mr. Gleason asked whether the two lots should be merged. He was told that this would be acceptable.

IV. BOARD ACTION ON: A-B

The Board agreed to continue both items to the next scheduled meeting.

V. ADMINISTRATIVE ACTIONS

A. Action on Hearing Minutes – June 15, 2023

Mr. Conroy stated that the minutes must include which of the Board Members are seated listed on top of the item. Ms. Maldonado said that she would go back to the recording for who was seated and add. Mr. Conroy said that they would table the minutes pending those corrections.

B. Status of Training – Board members serving as of January 1, 2023 must complete initial land use training by January 1, 2024

Mr. Conroy reminded everyone that they need to take the training because it is a new requirement. He cautioned people that he believed there was a possibility that a Board Member could be removed if they were not considered to be qualified. Discussion followed.

VI. ADJOURNMENT

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

**** MR. CONROY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:40 p.m.

Respectfully submitted

S. L. Soltes
Telesco Secretarial Services.