

**CITY OF NORWALK
ZONING BOARD OF APPEALS
MINUTES
BY VIDEO CONFERENCE AND TELECONFERENCE
JUNE 18, 2020 (APPROVED JULY 16, 2020)**

ATTENDANCE: Lee Levey; Andy Conroy; Chris Gavrielidis; Keith Lyon; Gregory Brasher; Tad Diesel

STAFF: Aline Rochefort; Tammy Maldonado, Bryan Baker

OTHERS: Richard Wood; Attorney Vasco; Paul Garavel; Attorney Bernheim; Attorney Constantini

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Levey called the roll and indicated that they had a quorum.

Mr. Levey provided an overview of the how the meeting will be conducted and said that for the first two hours there will be a public hearing on the applications that were listed in The Norwalk Hour, and after the applicant and or his or her representative has spoken those against the application will have the opportunity to state their opposition for the record. After that has concluded the applicant and only the applicant will have the opportunity to rebut and respond to the issues that were raised. The hearing will then be closed and the board will discuss and act upon the applications and no further public input will be accepted and should an applicant decide to leave you may contact the Zoning office tomorrow to learn about the decision.

III. PUBLIC HEARINGS

- A. 20-0319-01- 4 Westmere LLC-** Variance to rebuild/reconstruct structure, single family residence, previously granted by variance, setbacks of front, side and rear. **Property located at 4 Westmere Ave.**

Mr. Conroy read the staff report into the record.

Ms. Rochefort stated that the return receipts were emailed to her and requested that the hard copies be sent to her.

Attorney Vasco stated that his client is seeking a variance to reconstruct the house on a footprint that currently exists at 4 Westmere Avenue and is seeking the same variance that was granted in 1972 for the previous owner of the property. The property has been subject to flooding in the past and the impetus for requesting the variance today is to raise the structure to comply with FEMA requirements and the city's zoning regulations. The structures current elevation is 8.5' and the currently FEMA flood elevations is AE 15'. His clients were originally going to raise the existing structure but determined that given the age of the building it made more sense to demolish the existing structure and build a new building on the same footprint. As part of the construction his client would like to add a half story to the residence and the construction time will be greatly reduced by allowing demolition of the existing building and the construction of a new building, and will also allow for off street parking for the property which will help with the parking situation in the area, and the proposed dwelling will comply with all zoning regulations expect for the variances that are being requested. The height of the new structure will be 31.5' which is well below the 39' for this zone and the unnecessary hardship is the size and configuration of the lot, which is undersized for today's zoning regulations and would be impossible to construct any building on the property using today's standards. The ZBA previously found a hardship in granting the previous variance in 1972 and there has been no changes that would obviate that finding.

Mr. Levey asked for clarification and said the Attorney Vasco stated that the construction of the house will alleviate flooding on the property and asked how that can be accomplished if the contours of the land can't be changed.

Attorney Vasco said what he meant was by raising the structure and the breakaway walls any flooding would not affect the living area of that property.

Mr. Diesel asked if the concern regarding the tidal wetlands it is a legitimate concern and if the wetlands will be damaged as a result of this project. Attorney Vasco said his client will not in the course of construction damage the wetlands, but if that somehow happened he would have to remediate but the construction plans are not to go into the wetland area or to damage the wetland areas.

Mr. Diesel asked if access to the park will be affected during construction. Attorney Vasco said “no” and that during construction will be installing a fence that borders the park so that they do not encroach on the park.

Mr. Levey asked if the project has been presented the Conservation Commission. Attorney Vasco said “no” it has not. Mr. Levey asked if it will be. Attorney Vasco said he is not sure but the next step is to go to the Zoning Commission.

Mr. Conroy asked what the current building height maximum is and the new building height maximum. Mr. Wood said the currently height maximum allowed is 39’ and are proposing 31’.8” and will be lower than most of the houses in the neighborhood. Mr. Levey scaled the drawings and said it appears on the existing house the ridge is 13’ above grade and of the proposed elevation the ridge scaled is 30’ so the difference is this house is more than twice the height of the existing house. He said the house meets the height requirement but it is taller than what the applicant is saying.

Mr. Levey said the coversheet of the drawings are titled additions and renovations and the proposed project is neither and is a new structure and hopes that will be corrected on the application. Mr. Wood said he will make the correction immediately.

Ms. Deborah Mc Kinley-6 Westmere Road

Ms. Mc Kinley stated she is in opposition of the application and she is not only speaking for herself but also for 60 other people in the community who are generally opposed to the application. She said there are extenuating circumstances that are an issue one being the lot size is very small and is close to both the street and to the park. The areas they are most concerned about is the impact on our community property and Attorney Vasco said that there will be some impact to the park and the wetlands and will remediate it at the end of the project which is an unacceptable solution for those of us that

own property. She also said the engineering components of the project should be part of the approval process because the number of pilings that will be needed to support a three story structure. She also said the construction fence should be installed on the applicant's property and not on the Belle Island property and the construction equipment will not be taking up space on the public or private land.

Mr. Christopher Ford-4 Brown Place

Mr. Ford spoke in opposition of the application and stated that in 2014 the Belle Island bridge was reconstructed and a traffic study was undertaken and was determined that Westmere Avenue cannot be totally closed for the construction of the bridge, so all construction would have to happen within the footprint of the building and not on the road itself. He also asked who will be accepting responsibility for the environmental damage that will occur and suggested that the city or developer post a cash bond in the amount of \$1 million dollars. Mr. Levey said that is out ZBA's responsibility however, we can put conditions on the approval if the project is approved. Mr. Ford requested that the conditions be placed on the approval.

Mr. Conroy read two of the letters that were received in opposition to the application and noted that there were several, all in opposition, with similar points as the Belle Island Improvement Association concerns. Ms. Rochefort then asked the Board if they had read all the letters forwarded to them. The Board stated they had and agreed to suspend the reading of each letter as long as they were made part of the record.

Mr. Levey asked Attorney Vasco if he would like to make a rebuttal statements to any of the comments that were received from the public. Attorney Vasko clarified that he had not stated that there would be damage to the wetlands, but said if in the extreme circumstance and if it actually happened his client would need to remediate any damage however the goal is to not impact the neighboring properties or the wetlands in any manner, and obviously would not use or block the road with construction equipment or materials.

**B. 20-0618-01- Garavel Subaru- Variance for additional signage; variance of allowed directional signage & variance of street number requirement/
Property located a 512-528 Main Ave.**

Mr. Conroy read the staff report into the record.

Attorney Bernheim presented and stated that the objective is if they obtain all the necessary approvals that the lots will be merged from three lots to one lot, and the plan is to demolish the existing structures and construct a dealership with office and parking on the second floor. He said they would like to withdraw the variance application for the ground sign numbering and are just requesting two variances. He said the hardship is the safety issues and the merging of the three lots and will also be reducing the nonconformities.

Mr. Conroy asked if the Attorney has reviewed the ordinance that pertains to the numbering for buildings and trailers if he will explain that to the client so the client can correctly include it. Ms. Rochefort said if the project is approved by Zoning the process is the application will be reviewed not only by the Building Department but also the Fire Marshal's office and the Fire Marshal's office regulates the building numbers. Mr. Levey reminded the board that last year they had reviewed and approved signage for Chrysler Jeep Garavel dealership on Route 1 and they did a good job on following through what was asked of them.

Attorney Bernheim thanked the Board for their time and said they are glad to get the project going and it will be a great use of the site and it has been vacant for a very long time.

IV. BOARD ACTION ON: A-B AND REQUEST FOR EXTENSION OF TIME ON 11 ROWAYTON AVE. 19-0822-04

- A. 20-0319-01- 4 Westmere LLC-** Variance to rebuild/reconstruct structure, single family residence, previously granted by variance, setbacks of front, side and rear. **Property located at 4 Westmere Ave.**

**** MR. BRASHER MOVED TO APPROVE THE ITEM DUE TO THE HARDSHIP BEING THE LOT SIZE, THE CONFIGURATION OF THE LOT AND THE NEED TO RAISE IT ABOVE FLOOD LEVEL TO MEET FEMA REGULATIONS.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

- B. 20-0618-01- Garavel Subaru- Variance for additional signage; variance of allowed directional signage & variance of street number requirement/ Property located a 512-528 Main Ave.**

**** MR. CONROY MOVED TO APPROVE THE ITEM.**

**** MR. LYON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

**REQUEST FOR EXTENSION OF TIME ON 11 ROWAYTON AVE.
19-0822-04.**

Mr. Conroy read the staff report into the record.

Mr. Conroy said they are requesting an extension and is understandable given our current situation with Covid-19. The applicant is requesting a six month extension of time which to obtain building permits. The ZBA had approved the project August 22, 2019 with an effective date of August 30, 2019. Ms. Rochefort pointed out that the request for an extension came in well before Covid-19 but if the board want to grant the extra time it makes sense.

****MR. LEVEY MOVED TO APPROVE A ONE YEAR
EXTENSION TO FEBRUARY 26, 2021 TO OBTAIN A BUILDING
PERMIT FOR 11 ROWAYTON AVE. 19-0822-04.**

**** MR. LYON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

**V. ACTION ON HEARING MINUTES- DECEMBER 5, 2019 &
FEBRUARY 20, 2020.**

**** MR. CONROY MOVED TO TABLE THE MINUTES.**

**** MR. GAVRIELIDIS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. GAVRIELIDIS MOVED TO ADJOURN.**

**** MR. BRASHER SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:00PM.
Respectfully submitted,

Dilene Byrd
Telesco Secretarial Services