

DRAFT
CITY OF NORWALK
ZONING BOARD OF APPEALS
May 5, 2016

PRESENT: Andrew Conroy, Chair; Taylor Strubinger; Joseph Beggan; Nadine Campbell; Lee Levey

STAFF: Vladimir Mariano;

OTHERS: Andy Soumelidis; Atty Liz Suchy;

I. CALL TO ORDER

The meeting was called to order later than normal since there were only 4 commissioners until Ms. Campbell arrived. Mr. Conroy then called the meeting to order at 7:51 p.m.

II. ROLL CALL

After Mr. Conroy called the meeting to order, he went over the rules of the meeting as well as the changes to the agenda.

III. PUBLIC HEARINGS

A. 16-0407-03 JM Church Properties, LLC/Paul Garavel – Variance to increase the number of signs allowed on a side wall, facing two streets, from 2 to 3. Property located at 300 Westport Avenue.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Before Mr. Soumelidis began the presentation, he handed in the certified, return receipt cards evidencing notice of the public hearing. He then showed the commissioners the site plan. He described the current property as well as discussing the proposed 3 signs which would be on Westport Avenue. He also discussed what was allowed and what was proposed. He then showed them pictures of the visibility along County Street. There would be no signs on County Street.

No one spoke in support or against the application. Mr. Conroy closed the public hearing.

B. 16-0407-04 The Norwalk Country Club Company/Shore & Country Club Inc. Variance for replacement bathhouse structure. Property located at 220

Gregory Boulevard.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Before Atty Suchy began the presentation, she handed in the certified, return receipt cards evidencing notice of the public hearing. She then introduced the project team. She described the history of the bathhouse and explained that it did not meet FEMA guidelines and was in disrepair. She then discussed a prior variance from 15 years ago. She also discussed a meeting with the Connecticut Department of Energy and Environment Protection ("D.E.E.P.") at the site prior to filing the application. D.E.E.P has notified the applicant that the plans met their requirements. She explained that the building was in such disrepair that as people walked in the bathhouse their feet would fall through the floorboards. The building will be replaced on the same footprint as it is now and would be slightly smaller than the current building. She then described the variance and why the building should be built where it was.

Richard Tomasetti, the architect on the project, continued the presentation by explaining why they chose the site for the renovated bathhouse. The functions of the bathhouse would remain as it is today. They would be new and improved. He also explained that the existing boardwalk will stay and be lifted. The bathhouse would be lifted up by 6 ft. The stairs will be renovated as well. Mr. Beggan explained to Mr. Tomasetti to confirm that the stairs fit correctly. There was a discussion about the flood plain as well as the storage lockers. The intent, with this application, is to also raise the structure.

Atty Suchy continued the presentation by explaining that the applicant also had an application before the D.E.E.P. as well as the Zoning Commission. The applicant was waiting for sign-offs from various city departments. She also thanked Mr. Tomasetti and Mr. Soumelidis for their hard work on the application.

No one spoke in support or against the project. Atty Suchy handed in letters of support. Some of the letters were read into the record since they were all similarly worded. Mr. Conroy closed the public hearing.

C. 16-0505-01 Scott Teed– Variance of front yard setback and coverage for deck. Property located at 28 Channel Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Before Atty Suchy began the presentation, she handed in the certified, return receipt cards evidencing notice of the public hearing. She explained that the applicant had been before the Zoning Board of Appeals in March for the same property. The variance then had been partially approved and partially denied without prejudice. She then discussed the background of the property as well as site plan. She discussed

what the commissioners had found lacking in the previous application. The applicant then scaled back this application to follow their suggestions. There was also a discussion about the deck on top of the garage as well as the foundation. She suggested a condition of approval about the structural soundness of the garage.

No one spoke in support of the application but Atty Suchy handed in letters of support. No one spoke in opposition to the application. Mr. Conroy closed the public hearing.

D. 16-0505-02 Cedar Court Housing LLC – Variance of residential density, and recreation area for legalization of 2 dwelling units. Property located at 92 Cedar Street.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Before Atty Suchy began the presentation, she handed in the certified, return receipt cards evidencing notice of the public hearing. She explained that the current owner realized that 2 units of housing on the property were not legal. As soon as they had realized this, they began the process of trying to fix the problem. If it was not fixed, then 2 units would be out of the affordable housing inventory. She showed the commissioners some pictures of the current units. She explained that there had not been any inspections because there no permits were obtained. She discussed the request for a variance of the recreation area. There was a discussion about the utilities in the area. Atty Suchy discussed the parking in the area. There was also a discussion about which units, specifically, were the additional ones. She did say they are unoccupied. They would be permitted if the variance was granted.

Chuck Moran continued the presentation by explaining how his company bought the property in the fall in a joint venture with the Norwalk Housing Authority. His company realized there was a problem. He said they would be improving the property with a major investment which included landscaping, and elevators in the buildings. They would also make the units compliant with the Americans with Disabilities Act ("A.D.A.").

Lizette Timke, 92 Cedar Street, discussed the accessibility to Connecticut Avenue and spoke in support of the application.

Candace Mayer, the deputy director of the Norwalk Housing Authority, spoke in support of the application. She explained that there is a wait list for affordable housing in Norwalk.

Jim DelGreco, President of the Golden Hill Association, said they had reservations about the granting of the variance but said that they would support the variance with conditions.

Jim Clark, the Vice President of the Golden Hill Association, said that part of the problem was that it was difficult to know what the actual use was and what was no approved. It seemed to be a systemic problem.

David Westmoreland, 50 Elmwood Avenue, speaking as a private citizen, spoke in support of the application. He thought the hardship was that many seniors could not wait a couple of years for more housing to become available. Mr. Beggan noted that the U.S. Department of Housing and Urban Development was a reason why there was a problem with affordable housing, because it had asked the Norwalk Housing Authority to raise rents in its jurisdiction. Ms. Mayer was not aware of this. Mr. Conroy did not think this was the right time for his advice. Mr. Westmoreland thought it may be one factor but not the only one.

No one spoke in opposition. Mr. Conroy closed the public hearing.

E. 16-0505-03 Richard B. & Kimberly B. Alexander – Variance of zoning front setback for entry landing. Property located at 22 Meridian Rd. –

The applicant did not appear when Mr. Conroy opened the public hearing.

IV. BOARD ACTION ON A thru E

A. 16-0505-02 Cedar Court Housing LLC – Variance of residential density, and recreation area for legalization of 2 dwelling units. Property located at 92 Cedar Street.

The commissioners spent a few minutes discussing the application. Mr. Levey believed there is a lack of communication between the Zoning Department and the Building Department.

MR. LEVEY MOVED to approve the requested variance with the conditions that an additional recreation area, appropriate for senior citizens be found which is subject to approval by the Zoning Department. The hardship would be a lack of exercise space. The living spaces should be up to code.

Mr. Conroy seconded.

Mr. Conroy, Ms. Campbell and Mr. Levey voted in favor.

Mr. Strubinger, Mr. Beggan, voted in opposition.

No one abstained.

The motion did not carry.

B. 16-0505-01 Scott Teed– Variance of front yard setback and coverage for deck. Property located at 28 Channel Ave.

The commissioners spent a few minutes discussing the application. The commissioners were impressed that the applicant had revised his application as the commissioners had suggested. They also requested some conditions for the motion.

MR. LEVEY MOVED to approve the variance subject to the certification of the foundation of the garage by an architect or structural engineer.

Mr. Strubinger seconded.

Mr. Conroy, Mr. Strubinger, Mr. Beggan, Ms. Campbell and Mr. Levey voted in favor.

No one voted in opposition.

No one abstained.

C. 16-0407-04 The Norwalk Country Club Company/Shore & Country Club Inc. Variance for replacement bathhouse structure. Property located at 220 Gregory Boulevard.

Before the discussion, Mr. Conroy asked if anyone was a member of the Country Club, but none of the commissioners were.

MR. STRUBINGER MOVED to approve the variance. Because of the FEMA requirements as to the elevation, the applicant was requesting the variance.

Mr. Levey seconded.

Mr. Conroy, Mr. Strubinger, Mr. Beggan, Ms. Campbell and Mr. Levey voted in favor.

No one voted in opposition.

No one abstained.

D. 16-0407-03 JM Church Properties, LLC/Paul Garavel – Variance to increase the number of signs allowed on a side wall, facing two streets, from 2 to 3. Property located at 300 Westport Avenue.

The commissioners spent a few minutes discussing the application.

MR. STRUBINGER MOVED to approve the variance with a condition that no future signage would be allowed on County Street façade.

Mr. Levey seconded.

Mr. Conroy, Mr. Strubinger, Mr. Beggan, Ms. Campbell and Mr. Levey voted in favor.

No one voted in opposition.

No one abstained.

E. 16-0505-03 Richard B. & Kimberly B. Alexander – Variance of zoning front setback for entry landing. Property located at 22 Meridian Rd. –

There was a discussion about what to do with the application. Mr. Mariano said the applicant would have to reapply since they missed the hearing.

IV. ACTION ON HEARING MINUTES – April 7, 2016

Mr. Conroy moved to approve the minutes.

Mr. Levey seconded.

Mr. Conroy and Mr. Levey voted in favor.

No one voted in opposition.

Mr. Strubinger, Mr. Beggan, Ms. Campbell abstained.

Mr. Conroy noted that there was a new commissioner who was not present at the meeting.

VI. ADJOURNMENT

Mr. Strubinger made a motion to adjourn.

Mr. Beggan seconded.

Mr. Conroy, Mr. Strubinger, Mr. Beggan, Ms. Campbell and Mr. Levey voted in favor.

No one voted in opposition.

No one abstained.

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Diana Palmentiero