

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING - FEBRUARY 17, 2022
MINUTES**

ATTENDANCE: Andy Conroy, Chairman; Marilyn Altman; Tom Farkas; Chris Gavrielidis; Keith Lyon

STAFF: Tammy Maldonado, Michelle Andrzejewski

OTHER: David Wagman; Atty. Liz Suchy; Robert Yaffa; Atty. Chris Russo; Atty. Jason Klein

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:40 P.M. There was a quorum present. He reviewed the rules of the meeting for those present.

ROLL CALL

A rollcall of those present was performed.

PUBLIC HEARINGS

22-0120-03 22

**LOWNDES AVE LLC - VARIANCE TO ALLOW DECREASE IN MINIMUM LOT WIDTH REQUIRED FOR
PROPOSED LOT A. PROPERTY LOCATED AT 22 1/2 LOWNDES AVE.**

Atty. Russo came forward to discuss this item. He requested a continuance of the hearing. They are in the process of providing information to the neighbors.

**** CHAIRMAN CONROY MOVED TO GRANT THE CONTINUANCE TO THE MEETING OF MARCH 17, 2022.
** COMMISSIONER ALTMAN SECONDED THE MOTION.
** THE MOTION PASSED WITH FOUR IN FAVOR (CONROY, ALTMAN, FARKAS, GAVIELIDIS) AND ONE
OPPOSED (LYON).**

Commissioner Lyons said that, in the prior meeting, there had been no hardship found and contacting the neighbors was more of a Public Relations exercise than related to approval.

22-0217-01

**289 REALTY ASSOCIATES, LLC – APPEAL OF ZEO DETERMINATION OF USE AS MOTEL VS. MULTI-FAMILY
RESIDENCE. IN THE ALTERNATIVE, VARIANCE FOR RESIDENTIAL DENSITY 40 UNIT EXISTING AND
PROPOSED; 11 UNITS ALLOWED AND RECREATION AREA 0 SQ. FT. EXISTING AND PROPOSED; 200 SQ.
FT. PER UNIT REQUIRED AND VARIANCE FOR REQUIRED PARKING 41+/- SPACES EXISTING AND
PROPOSED; 52 SPACES REQUIRED IN BUSINESS NO. 2 ZONE. PROPERTY LOCATED AT 289 MAIN AVE.**

Chairman Conroy reviewed the history of the site and the proposals for the Commission.

Atty. Suchy came forward to discuss this item. She provided photos of the site and reviewed the details of the location for the Commission. The property has been a multi-family apartment for more than 35 years. The owner purchased the building with the understanding that it was an apartment building. The zoning staff has issued a determination in December of 2021 which has resulted in the appeal. The structure will remain the same regardless of if the appeal is granted or not. There will be issues if the property is classified as a motel and will likely displace the current residents. They are contesting the determination and wish to have it classified as an apartment building. She reviewed the reasons for this contesting as well as the prior classifications as an apartment building. They are also seeking variances should the appeal be denied.

Chairman Conroy said he didn't want to grant the appeal at this meeting but wanted to gain information for an informed discussion.

Commissioner Lyons voiced his support for granting the variance.

Commissioner Altman said that, as she understood it, the building was built in 1977 and classified as a hotel. She asked if this was because it had been easier to obtain the permits for this than an apartment building.

Atty. Suchy clarified that the prior owners had decided to build a motel on the location resulting in the issue. It also had not been classified as a hotel for the past 35 years.

Commissioner Farkas asked if documents had been provided in 2005 to the underwriter regarding the identification of the structure.

Atty. Suchy said that she believed said documents had been provided.

Mr. Yaffa said that the building had been presented to them as an apartment building. Further discussion followed as to the building's prior classification. A third party had requested a certificate of zoning compliance prompting the investigation. Atty. Suchy said that, had the third party not requested it, there would have been no issue.

Chairman Conroy said that there had been past instances of people claiming a change couldn't be made but had been done successfully following. A thorough investigation would be needed before progression. He wished for further information before proceeding. Discussion followed on the required information. Commissioner Lyons did not feel like they were ready to deal with the variance request and wasn't sure if they should uphold the appeal or look into the required variances that would be required. Discussion followed.

Ms. Maldonado said that she was ready to make a case supporting the City's position. She said that she thought they were just going to hear the presentation for appeal and variance and not vote on either in this meeting.

Chairman Conroy said that they had to deal with the appeal first before anything else. He suggested that they wait until next month for the variances if needed.

Atty. Suchy said it might be better to handle it all in one night next month. That way she could obtain more information. Both Commissioner Lyon and Commissioner Gavrielidis said they were ready to vote on the item already. Chairman Conroy said he didn't desire to rush ahead and make a decision before they had all the information. Discussion followed regarding when the decision should be made.

**** COMMISSIONER FARKAS MOVED TO CONTINUE ITEM 22-0217-01 (289 REALTY ASSOCIATES, LLC – APPEAL OF ZEO DETERMINATION OF USE AS MOTEL VS. MULTI-FAMILY RESIDENCE. IN THE ALTERNATIVE, VARIANCE FOR RESIDENTIAL DENSITY 40 UNIT EXISTING AND PROPOSED; 11 UNITS ALLOWED AND RECREATION AREA 0 SQ. FT. EXISTING AND PROPOSED; 200 SQ. FT. PER UNIT REQUIRED AND VARIANCE FOR REQUIRED PARKING 41+/- SPACES EXISTING AND PROPOSED; 52 SPACES REQUIRED IN BUSINESS NO. 2 ZONE. PROPERTY LOCATED AT 289 MAIN AVE.) AT THE MEETING OF MARCH 17, 2022.**

**** COMMISSIONER LYON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

BOARD ACTION ON: A & B AND REQUEST FOR EXTENSION OF TIME ON 490 WESTPORT AVE VARIANCE #21-0218-01

There has been a request for an additional six-month extension of time for 490 Westport Avenue. Building permits were expected to be obtained by March 14, 2022. If extended then the permits must be obtained by September 14, 2022.

Commissioner Gavrielidis said he was comfortable with the extension. There was a review of the item for the Commissioners.

Atty. Klein came forward to speak on this item. He said that COVID had resulted in difficulty with supply chain issues and lining up contractors. The extension will help in this process.

**** COMMISSIONER GAVRELIDIS MOVED TO GRANT THE EXTENSION OF ITEM #21-0218-01.**

**** CHAIRMAN CONROY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

ACTION ON HEARING MINUTES – JANUARY 20, 2022

**** CHAIRMAN CONROY MOVED TO ACCEPT THE MINUTES OF JANUARY 20, 2022 AS SUBMITTED.**

**** COMMISSIONER GAVRELIDIS SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (CONROY; ALTMAN; GAVIELIDIS; LYON) AND ONE ABSTENTION (FARKAS).**

Chairman Conroy said he was concerned about item 22-0217-01 since there have been incidents in the past of property owners insisting a change couldn't be made only for said changes to be made. Ms. Maldonado said she would check with the Corporation Council. Discussion followed regarding the concerns and if it was properly classified as apartments or a hotel. Chairman Conroy said he wanted to see the exact documents to confirm what the attorney had said.

Ms. Maldonado said that the next candidate for the Zoning Board of Appeals will be presented to the Common Council for appointment soon. There are three alternate positions on the Board.

ADJOURNMENT

**** CHAIRMAN CONROY MOVED TO ADJOURN.**

**** COMMISSIONER GAVRIELIDIS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:50 P.M.