

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
FEBRUARY 16, 2023**

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

STAFF: Tammy Maldonado

OTHER: Atty. Lukas Thomas; Atty. Liz Suchy; Atty. Adam Blank; Osman Hernandez; Craig Flaherty; Jason Lami; Michael Stein; Patrick Begos; Ryan Carroll; Samir Mistry; Darlene Young; Mr. Rhodes; Chia West; Mark Goodman

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:33 P.M. There was a quorum present.

ROLL CALL

A Roll Call of those present was performed.

PUBLIC HEARINGS

C. (CONTINUED FROM JANUARY 19, 2023) 23-0119-04

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

This item was handled out of order.

It was requested that this item be continued at this time.

**** MR. LEVEY MOVED TO CONTINUE ITEM C. (CONTINUED FROM JANUARY 19, 2023) 23-0119-04
LEONARDO & NATALINA FINO – VARIANCE OF MAXIMUM NUMBER OF STORIES AND TO ALLOW
PARKING IN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT
34 BURRITT AVE.**

**** THE MOTION PASSED UNANIMOUSLY.**

A. 23-0119-01

**ONE SAN VINCENZO REALTY, LLC – VARIANCE OF MINIMUM LOT SIZE FOR CONTRACTOR'S STORAGE
YARD AND SPECIAL EXCEPTION TO CHANGE ONE NONCONFORMING USE TO ANOTHER. PROPERTY
LOCATED AT 1 SAN VINCENZO PLACE.**

Atty. Suchy came forward to discuss this item. Photographs of the property were provided for those present. On November 8th the property was rezoned to D-Residence. This resulted in the use of the

property becoming non-conforming. A review of the photographs followed. When the property was originally purchased it was approved for the storage of containers, storage and maintenance repair of vehicles, and indoor/outdoor storage of equipment for a small refuse company known as 'Advantage Waste'. A zoning permit for this use was approved in 1999. Since the current owner purchase it has been used for landscaping in the belief it was consistent with the prior approvals. Atty. Suchy provided further information regarding the business. The ZBA application had been made prior to the effective date of the zone change. The request is to reduce the required minimum lot size. The lot survey was provided to those present. She claimed that the change in zoning and moratorium were practical issues and that no one had ever voiced a complaint regarding the business and the owner was a good neighbor. They also believe that the landscapers use is equally appropriate to the zone as the previous refuse company.

Chairman Conroy asked if it was possible for the ZBA to grant a special exception after the zoning change had occurred.

Ms. Maldonado noted that they had submitted the application before the zone change. The staff found no issue with the proposed change from one non-conforming use to another non-conforming use.

Mr. Lyon asked if this was self-reported.

Atty. Suchy said that it was self-reported. She provided more information on the zoning report. Further discussion followed regarding if the ZBA had the authority to address this issue and if this might set a precedent for the future.

Ms. Byron came forward to speak in favor of this item. She reported that this business had been good for the neighborhood and had no negative impacts. The employees were respectful and she voiced further positive impressions of the business. He has also contributed to the beautification of the area.

Ms. Darlene Young came forward to speak in favor of this item. Though she was disappointed it would not be returning to a residential property she felt that he did deserve to be there with his business. He has been a good neighbor. She hoped he would continue to be a good neighbor in the area.

No one wished to speak in opposition to this application.

Multiple letters of support were submitted as well. Ms. Maldonado read the letters for those present.

Chairman Conroy said that they would need to keep in mind that anything approved for this person would need to be applied to the next owner of the property. Certain things, like rock crushing, would need to be prohibited.

B. (CONTINUED FROM JANUARY 19, 2023) 23-0119-02

PATRICK AND JULIE BEGOS – VARIANCE OF MAXIMUM NUMBER OF STORIES AND FRONT SETBACK TO ELEVATE FOR FLOOD COMPLIANCE AT EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 10 RICHMOND RD.

Chairman Conroy wished to provide the correction that a small addition to the garage had been approved previously. He reviewed the history of the application.

Atty. Blank came forward to discuss this item. He provided a map and photographs of the house for those present. They desire to raise the house to make it FEMA compliant. They have received letters of support from the neighbors. Further discussion followed. The Board had no further questions regarding the property.

No one wished to speak in favor of the item.

No one wished to speak in opposition to the item.

Atty. Blank read the letters of support for those present.

D. 23-0119-05

MCP WILSON LLC – VARIANCE OF HEIGHT OF EXISTING WALL SIGNS AND LETTER SIZE AT AN EXISTING PUBLIC STORAGE FACILITY. PROPERTY LOCATED AT 320 WILSON AVE.

Ms. Sanchick recused herself from this item. Mr. Farkas substituted in for Ms. Sanchick.

Due to errors by the Zoning staff in issuing the sign permit, as well as practical difficulty, the staff supports the approval of this variation. Discussion followed to confirm the details of the sign.

Atty. Suchy came forward to discuss this item. She provided images of the signs in question and recounted the history of the site and the issues with the size of the letters and height of the signs. She noted that the staff had failed to notice the sign plan did not conform to the regulations. They wish for a variance to keep the signs in their current location. She noted that, due to the nature of the attachment of the signs, relocating them would cause a substantial amount of damage to the building.

Mr. Levey asked for the elevation drawings for the buildings. Ms. Maldonado provided the elevation drawings for those present. Mr. Levey thought he spotted a discrepancy between the sign location in the application and the actual location, but noted he had made an error and it was in the proper location. Atty. Suchy noted that, while the signs were not internally illuminated, there were light fixtures. Mr. Levey asked how future owners would remove the signs without damage to the building. Atty. Suchy said she could not answer as to what future tenants might do. Further discussion followed regarding sign precedent. Chairman Conroy suggested that they make it so that, when the sign is changed, it must conform to the sign regulations at that time.

A letter of support from the neighbors was read for those present.

No one wished to speak in favor of this application.

Mr. Rhodes came forward to speak in opposition to this application. He represented Village Creek and said that he had reached out to Atty. Suchy to see if an amicable agreement on the sign was possible. His issue was the sign on the south side of the building. His concern was the view coming over the water into Village Creek and that there was no natural barrier to the sign. They felt that the sign was garish.

There have been issues with other businesses. There were concerns over potential impact on property value. He voiced further issues with the sign.

Mr. Carroll came forward to speak in favor of the item. He noted he had issues signaling that he wished to speak in favor. This is their first project in Norwalk. He said they had no intent to install a non-conforming sign. He reviewed the process they had gone through for sign design and approval. He said this could be, potentially, very cost-prohibitive to them if they were required to change the sign.

Mr. Levey asked Mr. Carroll if they would be willing to change the color of the sign. Mr. Carroll said that they would not have issue doing so but had outsourced the management of the property to Public Storage. There may be branding issues as a result. Mr. Levey asked for confirmation that removal of the sign would damage the building. Mr. Carroll confirmed this. Discussion followed regarding what would happen once Public Storage moves. Ms. Altman asked if they had priced out how much it would cost to change the sign and if there was anything that could be done. Discussion followed regarding sign standards.

Ms. West came forward to speak against this item. She noted that the sign was in full view from her deck and was surprised that the company had not followed the proper zoning parameters. She did not see any reason why it should be illuminated either. She provided photographs for review.

Atty. Suchy offered the suggestion of leaving the sign on the north side as is and installing a height compliant sign on the south side and installing a covering to obscure the existing south sign. Further discussion followed as to the viability of this suggestion. Mr. Carroll said they would need to confirm that they were able to cover the sign and contact structural engineers. It was decided to go forward with the compromise.

E. 23-0216-01

RJR NORTHEAST LLC - PROPOSED MOTOR VEHICLE REPAIRER LICENSE APPLICATION. PROPERTY LOCATED AT 44 VAN ZANT ST.

Mr. Hernandez came forward to discuss this item. He did not have any comments for the Board. Chairman Conroy asked if it could be delayed by 1 month. He wished to know what businesses were present so he could make a decision as to the appropriateness of the location.

Mr. Hernandez said that there were three other repair locations on the street. Two repair shops and one body shop. The facility that he operates out of is structured to handle multiple cars without having them stick out. The site plans were provided for those present. It was noted that there used to be a body repair shop at the location. They will not be street-facing. Chairman Conroy voiced his desire to have this item continued to next month for a complete listing and layout of Van Zant Street.

F. 23-0216-03

PHILLIP & ERIN KERR – VARIANCE OF SETBACKS, BUILDING AREA AND OF PARKING WITHIN THE FRONT SETBACK TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 86 BLUFF AVE.

Ms. Altman recused herself from this item. Mr. Farkas substituted in for Ms. Altman.

Atty. Blank came forward to discuss this item. They intend to shift the footprint of the house away from Farm Creek due to expecting D.E.E.P. and the City to request this. Otherwise, the house will remain unchanged other than being elevated. Everything remains the same or is less of a non-conformity aside from one potential issue regarding covering for stairs. Further discussion followed regarding the details of the stairs.

Mr. Goodwin came forward to discuss this item. He reviewed the details of the proposed plans to move the house for those present including features such as the installation of piers and break-away walls. Mr. Levey asked how the gas fireplace would be flood resistant. Mr. Goodwin said he did not have a good answer to that question. Discussion followed regarding the gas fireplace. Mr. Goodwin then stated it would be a wood burning fireplace. He reviewed the planned style for the house as well as general details about the house.

Mr. Flaherty came forward to discuss this item. He provided photographs of the house. He provided details regarding the existing parking as well as the buffers. He pointed out how the proposed changes would reduce the amount of the non-conformity. Further review of the building footprint plans followed.

Ms. Altman noted that there was a walkway for people with access to Farm Creek. Mr. Flaherty pointed out the walkway on the map and said nothing proposed was altering that pathway.

Atty. Blank shared two letters of support from the immediate neighbors.

There were no questions from the Board regarding this application.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

ADMINISTRATIVE ACTIONS

BOARD ACTION ON: A-F

A. ACTION ON HEARING MINUTES – JANUARY 19, 2023

F. 23-0216-03

Ms. Altman was recused from this item. Mr. Farkas substituted in for Ms. Altman.

**** MR. LEVEY MOVED TO APPROVE ITEM F. 23-0216-03 PHILLIP & ERIN KERR – VARIANCE OF SETBACKS, BUILDING AREA AND OF PARKING WITHIN THE FRONT SETBACK TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 86 BLUFF AVE. AS SUBMITTED.**

**** MS. SANCHICK SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

E. 23-0216-01

This item was delayed and will be heard in next month's meeting.

D. 23-0119-05

Chairman Conroy said that the sign on the south side would retain its configuration and color and be lowered to comply with zoning regulations and reduce visibility to the neighbors. Mr. Lyon suggested that they include language to address that Public Storage may not agree in which case it will be denied. Chairman Conroy said that other corporations were required to follow local ordinances. Mr. Levey said they should resubmit a drawing for approval by staff and any variation from their approval will require them to come before the Zoning Board of Appeals again. Chairman Conroy said that, if there was a change in tenant and signage, that the new signage meets the existing code for signage at that time.

**** CHAIRMAN CONROY MOVED TO APPROVE ITEM D. 23-0119-05 MCP WILSON LLC – VARIANCE OF HEIGHT OF EXISTING WALL SIGNS AND LETTER SIZE AT AN EXISTING PUBLIC STORAGE FACILITY. PROPERTY LOCATED AT 320 WILSON AVE. WITH THE FOLLOWING CONDITIONS:**

- **THE SIGN ON THE SOUTH SIDE WILL BE PHYSICALLY COVERED.**
- **IF THERE IS A CHANGE IN TENANT AND SIGNAGE THE NEW SIGNAGE MEET THE EXISTING CODE FOR SIGNAGE AT THAT TIME.**
- **A DRAWING BE SUBMITTED FOR APPROVAL BY STAFF AND ANY VARIATION FROM THEIR APPROVAL WILL REQUIRE THEM TO COME BEFORE THE ZONING BOARD OF APPEALS.**

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

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (CONROY, ALTMAN, LEVEY, FARKAS) AND ONE (1) OPPOSED (LYON).**

C. 23-0119-04

This item was withdrawn.

B. 23-0119-02

**** MR. LEVEY MOVED TO APPROVE ITEM B. 23-0119-02 PATRICK AND JULIE BEGOS – VARIANCE OF MAXIMUM NUMBER OF STORIES AND FRONT SETBACK TO ELEVATE FOR FLOOD COMPLIANCE AT EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 10 RICHMOND RD. AS SUBMITTED.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

A. 23-0119-01

**** MR. LYON MOVED TO APPROVE ITEM A. 23-0119-01 ONE SAN VINCENZO REALTY, LLC – VARIANCE OF MINIMUM LOT SIZE FOR CONTRACTOR'S STORAGE YARD AND SPECIAL EXCEPTION TO CHANGE ONE NONCONFORMING USE TO ANOTHER. PROPERTY LOCATED AT 1 SAN VINCENZO PLACE. AS PRESENTED.**

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

APPROVAL OF THE MINUTES

Approval of the minutes was deferred till the next meeting.

B. STATUS OF TRAINING – BOARD MEMBERS SERVING AS OF JANUARY 1, 2023 MUST COMPLETE INITIAL LAND USE TRAINING BY JANUARY 1, 2024 (CT BAR ASSOCIATION LAND USE WEBINAR IS SATURDAY MARCH 11, 2023)

Chairman Conroy said that they should be signing up and have several messages to that effect. Ms. Maldonado said that they had signed up everyone who was interested. Further discussion followed.

ADJOURNMENT

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

The meeting adjourned at 10:11 P.M.