

**CITY OF NORWALK
ZONING BOARD OF APPEALS
VIA VIDEO AND TELECONFERENCE FEBRUARY 15, 2024
DRAFT MINUTES**

ATTENDANCE: Danielle Sanchick, Acting Chair; Andrew Conroy, Acting Secretary;
Thomas Farkas, Keith Lyon, Benjamin Hanpeter
STAFF: Tammy Maldonado, Planning & Zoning
OTHER: Representatives of Applications: Dan Scharff, Alison Kohlmeyer,
Carol Hayes, Chris Reeb, Nicholas Renzulli, Serge Ghio, Tony Federico

CALL TO ORDER/ ROLL CALL

Ms. Sanchick called the meeting to order at 7:05 p.m. and acknowledged those in attendance as listed above. Ms. Maldonado noted that an acting secretary needed to be named, since Ms. Sanchick was designated as the Acting Chair. Mr. Conroy agreed to serve as Acting Secretary.

Ms. Sanchick read the purpose and instructions of the meeting and listed URL and sites to join and participate in the meeting by phone or zoom video. The order of business and rules of participation were reviewed for the application process of presentation, comment, rebuttal, and the decision process.

PUBLIC HEARINGS

A. 23-1221-03 Bell Island LLC (Continued from December 21, 2023 & January 18, 2024) –
Variances for: front yard setback, rear yard setback, number of stories, building lot area and of parking within the front setback to construct a new flood compliant single family residence.
Property located at 23 Westmere Ave.

Ms. Maldonado announced that the application had been modified and reduced with new documentation uploaded to the pending applications website.

Mr. Conroy read the details of the application and the proposed variances. Ms. Sanchick asked representatives of the applicant to present.

Mr. Daniel Scharff, of Federico Associates, working with Tony Federico, representing the applicant, spoke about the meetings with the Bell Island Improvement Association and zoom meetings held with question/answer sessions and comments and concerns. He asked the homeowner to address the Board.

Ms. Alison Kohlmeyer spoke of her 20-year residence at 17 Yarmouth, her purchase of 23 Westmere seven years ago, and her plans to renovate and have a home that can be modified for her to live in for retirement with a garage and elevator to accommodate her physical limitations.

Mr. Scharff reviewed the background of the project that started last fall, missed notifications in December, continuance from January in response to input from neighbors and homeowner association. He presented revised renderings and showed how they had worked on the reduction of the structure and percentage of the lot coverage. He noted that the scope has not changed and explained the issue of questionable foundation requiring a rebuild of this as one of the original cottages. He noted the intention is to have cars off the street by having a garage, and to have an elevator to meet the needs of the owner to have the house more functional. He outlined that along with the hardship of the limited size and layout of the property, there is the complication of the typography of a wall that will be modified to be at an angle rather than drop off to limit the site line issues.

Plans and photos were presented to outline the trapezoid shape and the pre-existing non-conforming areas and setback conditions. He showed how the original plan has been modified to reduce the size. Questions and comments from the Board members were addressed, and it was noted that the presentation was very thorough and complete to address concerns of the neighbors and the Bell Island Association.

Ms. Sanchick asked if there were members of the public that wished to speak. Ms. Maldonado noted the instructions to comment, noted there were raised hands to speak, and the following members of the public were recognized:

1. Amy Zabetakis read her statement on behalf of her client Jonathan Agnew that included commentary on when variances should be granted and reference to case law. The client's opinion is that this proposal would be extremely overbuilt.
2. Marty Magida, 21 Westmere, property owner of abutting property spoke on the excessive variances of five is beyond what should be permitted. He added that the HVAC unit will be hanging from the structure creating a noise issue for the abutting properties.
3. Felicia Rubinstein, 21 Westmere, spoke on issues with the height of the wall, she wants to look at the renderings for the left side of the house, where the utilities will be up the side of their house and the air conditioning unit. She added that height is a concern as it blocks all views, and asked if adding another story is really necessary.
4. Carrie Fowler, (not speaking as the Co-President of the Bell Island Improvement Association) 11 Westmere, neighbor to the north, spoke of the number of homes that have been rebuilt or renovated, asked if this is a knockdown and rebuild or newly renovated on small lots create run-off issues and major flooding.

Ms Sanchick asked Ms. Maldonado to review the process of review. Ms. Maldonado explained how projects can expand vertically versus need for variance applications. She noted there were over twenty letters in opposition of the application, and Mr. Conroy asked her to summarize the objectional points of the letters for the record.

Ms. Maldonado read the following excerpts of letters and provided a summary of issues:

Carrie Fowler – letter was same as spoken comments made during the meeting.

Amy Zabetakis - same as spoken comments made during meeting.

Jo Vietro – the number of variances.

Joseph Lazaroff – reason for zoning regulations in this extensively crowded street in Bell Island and this application deviates from a hardship variance.

Marty Magida & Felicia Rubinstein – same comments made during the meeting.

Jose Cara – Provided two emails (one follow up after revision of proposal) objects to the proposed large size and number of stories

Robert Sedita – 8 Yarmouth objects to scale of the home and impacts on the passageway.

Toshifumi Bekku – privacy impacts and impact to open space/grassy area

Ed Kweskin – dangers of the road as it is-- the sight line is further impeded with the wall height.

George Broadbin – opposed to height and lot coverage.

Davis Mangold – objects to the size and number of variances.

Connie Bennett – 29 Yarmouth, 30-year resident – applicant must follow the same City rules for this area, this is too grand in scale.

Amy Zabetakis – (representing Jonathan Agnew) this is an earlier letter of opposition submitted for too many variances – scale is too large.

Carrie Fowler – this is the earlier opposition email sent in, opposes because house is too big.

Joseph Lazaroff – not in favor of prior setbacks.

Kerry O'Mahony – way too big and conflicts with passways.

Stephen Gravereaux – objects to closeness to property lines and passways.

Jose Cara – this is the earlier email sent in opposition, objects as too large.

Adam Derrick - 21 Rocky Point, objects due to negative traffic impact and impact on passways.

Felicia Rubinstein - coverage height impact – blocks sunlight – driveway is an issue

Carrie Fowler – an earlier email objection on behalf of the Bell Island Improvement Association

Mr. Scharff asked to speak in rebuttal and explained that feedback was taken very seriously. He shared his screen to highlight the setbacks and read the zoning codes in compliance, variances and where they made changes and improvements. He added that they listened to the Board and showed the reduction to the front door and porch.

There was further discussion on the porch and how much of a further reduction would be made that would be acceptable.

Ms. Sanchick noted that hearing no other comments, they would move to the next agenda item.

B. 24-0118-01 Joanne Smith – Variance for front setback for a proposed 1 story northerly addition and a 2 story southerly addition and variance of parking within the front setback at an existing single family residence. **Property located at 281 East Ave.**

Mr. Conroy read the details of the application and outlined the variance specifics for the determination of the approval. Ms. Sanchick asked the representative of the applicant to present the item.

Mr. Nicholas Renzulli, representing the applicant, presented renderings of the proposed addition of the residence and outlined the objective was to provide additional living space while maintaining open space and minimal disturbance of coastal line. He noted that a turnaround area from the driveway is proposed and the addition of a new garage will keep cars off the street; which has been an issue. He answered comments and questions from the Board members.

Mr. Conroy noted the Coastal Site Plan staff memo and explained the application is susceptible to coastal erosion and noted the increased impervious area. Mr. Renzulli noted they are keeping the structure out of the flood zone. Mr. Conroy clarified that with new regulations in effect next month it would be advantageous to re-think about coastal erosion and impervious coverage. Mr. Renzulli asked if he used another product and materials that would limit the impervious area, if that would be acceptable.

There was discussion on the height of the garage and access from the stairway. There was further discussion on how to reduce the size of the footprint with addition limited to one side and not two sides.

Ms. Maldonado asked if there was anyone in attendance to comment.

1. Diane Ceci Olmstead Place asked to speak on a question rather than in favor or opposed. She added that she is in agreement with Mr. Conroy's comment to reduce the footprint, but she chooses to withhold her comments pending modifications should they comeback if there is a continuance. She added that her concerns may be addressed with the modified addition plan.

**** MR. CONROY MOVED TO CONTINUE APPLICATION 24-0118-01.**
**** MR. FARKAS SECONDED THE MOTION.**
**** MOTION TO CONTINUE WAS UNANIMOUS.**

C. 24-0215-01 Serge Ghio – Variance for front setback for proposed front porch and 1 story addition at an existing single-family residence. **Property located at 17 Rome St.**

Mr. Conroy read the background of the application and outlined the conditions and analysis of the variance specifics for the determination of the approval.

Mr. Serge Ghio presented his request for new porch area and explained the reason for the reduction to the setback is to provide room at the entrance for a closet and to make the home more functional.

Ms. Sanchick asked if there were members of the public that wished to speak. Ms. Maldonado noted the instructions to comment; noted there were no raised hands. Ms. Sanchick noted they would move on to the next agenda item.

D. 24-0215-02 Carol Hayes – Variance for front setback and side setback for four proposed LP tanks and variance of side setback and rear setback for proposed generator and variance to exceed lot coverage maximum at existing single family residence. **Property located at 19 Westmere Ave.**

Mr. Conroy read the details of the application and outlined the existing conditions and non-conformities and variance specifics for the determination of the approval.

Mr. Christopher Reeb, representing the applicant, provided schematic plans of the location of the generator and explained this was the best spot for the tanks and generator. He reviewed the location options and rationale for the hardship variance.

There was discussion on other possible locations for the tanks and generator. It was also noted that the tanks would need to be installed flood compliant in the proposed driveway location. There was additional discussion about an existing generator in the house and the requirement to install away from ignition sources such as air conditioners.

Mr. Conroy suggested the propane tank location and proposed flood compliance should be reviewed and recommended they come back at the next meeting.

**** MR. CONROY MOVED TO CONTINUE APPLICATION 24-0214-02.
** MS. SANCHICK SECONDED THE MOTION.
** MOTION TO CONTINUE WAS UNANIMOUS.**

IV. BOARD ACTION ON: C-A

C. 24-0215-01 Serge Ghio – Variance for front setback for proposed front porch and 1 story addition at an existing single-family residence. Property located at 17 Rome St.

**** MR. CONROY MOVED TO APPROVE APPLICATION 24-0215-01 FOR THE
HARDSHIP REASON:
DESIGN STRUCTURE TO IMPROVE ENTRANCE
** MR. FARKAS SECONDED THE MOTION.
** MOTION TO APPROVE WAS UNANIMOUS.**

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Variances for: front yard setback, rear yard setback, number of stories, building lot area
and of parking within the front setback to construct a new flood compliant single family
residence. Property located at 23 Westmere Ave.**

There was discussion on whether the applicant went far enough on the reduction. It was suggested that they get closer to the maximum building coverage.

The parking issue and sight line was also discussed.

It was noted that a decision is needed to be made by the March meeting.

**** MS. SANCHICK MOVED TO CONTINUE THE ITEM 23-1221-03.
** MR. LYON SECONDED THE MOTION.
** MOTION TO CONTINUE WAS UNANIMOUS.**

V. ADMINISTRATIVE ACTIONS

A. Action on Hearing Minutes – January 18, 2024

**** MR. CONROY MOVED TO APPROVE THE MINUTES OF JANUARY 18, 2024
AS SUBMITTED.
** MR. FARKAS SECONDED THE MOTION.
** MOTION WAS UNANIMOUSLY APPROVED.**

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

Ms. Maldonado reported that all members are trained.

VI. ADJOURNMENT

**** MR. CONROY MOVED TO ADJOURN.
** MR. LYON SECONDED THE MOTION.
** MOTION WAS UNANIMOUSLY APPROVED.**

The meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Telesco Secretarial Services