

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 15, 2022**

ATTENDANCE: Andrew Conroy, Chairman; Keith Lyon; Lee Levey; Danielle Sanchick; Marilyn Altman

STAFF: Tammy Maldonado

OTHER: Alan Cosby; Atty. Dan McCabe; Atty. Elizabeth Suchy; Giancarlo Massaro; Greg Stewart; John Massaro; Juliana Belcastro; Neil Hauck; Council Member Diane Revolus

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:30 P.M.

ROLL CALL

A roll call of those present was performed. There was a quorum present.

PUBLIC HEARINGS

A. (CONTINUED FROM OCTOBER 20, 2022) 22-0915-01

GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION, VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR.

Mr. Stewart came forward to discuss this item. They are ready to answer questions that had been previously asked. They have sent documents to validate the retention system. The plans were provided and reviewed for those present. Mr. Massaro said that the proposed garage/breezeway will decrease the amount of impervious surfaces resulting in lower peak rates and volumes. The proposed driveway will be asphalt.

Mr. Levey said that, barring extreme volumes of water, the proposed plans should be able to solve the problems.

No one wished to speak against the application.

A letter of support from the neighbors was read by Ms. Maldonado.

B. 22-1215-01

THOMAS TELESKO - PROPOSED MOTOR VEHICLE REPAIRER LICENSE APPLICATION. PROPERTY LOCATED AT 151 MAIN ST.

Mr. Levey said he had no issues with the application. Atty. McCabe said he was aware that approval would mean the process would be allowed to proceed to see if the State would permit the usage. They

will need to come back at a later time. They do have certificates that they will mail to Ms. Maldonado to confirm proof of mailing to appropriate parties including the abutting properties. They said a lot of work had gone into planning for the property and they desired to take it to the next step which would be filing a K7 with the State Department of Motor Vehicles. If approved, they will be before the Norwalk P&Z Commission in the future. Mr. Levey noted that it had been an auto-oriented site prior.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

C. 22-1215-02

SONO DEVELOPMENT PARTNERS LLC – VARIANCE OF 10' SETBACK FROM ROOF EDGE AND SCREENING REQUIREMENTS FOR ROOFTOP MECHANICALS AT EXISTING HOTEL. PROPERTY LOCATED AT 47 SOUTH MAIN ST.

Atty. Suchy came forward to discuss this item. She informed them that the property had been improved with an eight-story, 102 unit, Marriot Residence Inn and Garage. It was approved in 2009 but was not fully constructed until 2018. The rooftop mechanical units are located generally in the center of the roof and are not easily visible from street level. There is also a rooftop bar. The plans were provided for those present. The regulation that they are requesting a variance for was enacted in 2014 and was she believed, intended for lower roofs. There are two area which do not conform to the setback which Atty. Suchy reviewed. The units are largely enclosed by a parapet wall. They desired relief so they didn't have to move the units which would be costly and problematic. There have been no complaints about the units previously.

Chairman Conroy asked for a description of the unit closest to the edge, which Atty. Suchy provided. It was noted that it was an exhaust unit for the four HVAC units in the center. Mr. Levey asked if the regulations referred to views from other buildings. Ms. Maldonado said that the text held no reference to that. Mr. Levey suggested it be added to future zoning regulations. Further discussion followed.

Chairman Conroy asked to clarify the location of the rooftop bar in relation to the equipment. He noted that it was in the owner's interest that the view was acceptable.

Ms. Altman wanted to know the reason for the timing of the application. Atty. Suchy said it was because the clients needed to close out the permits which include a Certificate of Zoning Compliance. Inspections have been undertaken which was when these issues emerged. Further discussion followed.

Chairman Conroy asked if they could take the unit that had the greatest encroachment and reduce its non-compliance since it is a hollow exhaust. It was something that could be potentially done. Further discussion followed regarding the exhaust unit. Chairman Conroy expressed a desire to reduce the amount of encroachment. He voiced concern over potential earthquakes even though there have been none since 1972. Atty. Suchy pointed out that the location had been reviewed by the Building Department as part of the permit process. She suggested that, had there been questions about its location, they would have raised them at the time. Chairman Conroy said he was partially satisfied knowing it was an exhaust. Mr. Levey said he felt it likely that the exhaust was just an in-line fan. Further discussion followed.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

D. 22-1215-04

LUKE & JULIANA BELCASTRO – VARIANCE OF FRONT YARD SETBACK FOR A PROPOSED UNENCLOSED ROOF STRUCTURE. PROPERTY LOCATED AT 9 COVEWOOD DR.

Mr. Hauck came forward to discuss this item. Copies of the mailing certificates were submitted via email. They have received two return receipts. He provided the blueprints for those present. The property was built in 1930. He reviewed the details of the property including the front property line and its impact on the property. He noted he was unsure of when the regulations had been enacted in relation to the house but said either case resulted in hardship in regard to their ability to make improvements on the front of the house. The steps leading up to the front door are open to the air. They desire to create a covered porch over the landing and steps. They are not planning to increase the non-conformity.

Mr. Levey asked if it was necessary to extend the front porch roof over to the bay window. Discussion followed.

Ms. Belcastro said they had lived on the property for 17 years and made other improvements that have been within zoning setbacks. She noted that the steps were very exposed and presented difficulties for them including protection from rain.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

BOARD ACTION ON: A-D

D. 22-1215-04

LUKE & JULIANA BELCASTRO – VARIANCE OF FRONT YARD SETBACK FOR A PROPOSED UNENCLOSED ROOF STRUCTURE. PROPERTY LOCATED AT 9 COVEWOOD DR.

**** MR. LYON MOVED TO APPROVE APPLICATION 22-1215-04 LUKE & JULIANA BELCASTRO – VARIANCE OF FRONT YARD SETBACK FOR A PROPOSED UNENCLOSED ROOF STRUCTURE. PROPERTY LOCATED AT 9 COVEWOOD DR. AS SUBMITTED**

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

**** THE MOTION PASSED UNANIMOUSLY.**

C. 22-1215-02

SONO DEVELOPMENT PARTNERS LLC – VARIANCE OF 10' SETBACK FROM ROOF EDGE AND SCREENING REQUIREMENTS FOR ROOFTOP MECHANICALS AT EXISTING HOTEL. PROPERTY LOCATED AT 47 SOUTH MAIN ST.

**** CHAIRMAN CONROY MOVED TO APPROVE C. 22-1215-02 SONO DEVELOPMENT PARTNERS LLC – VARIANCE OF 10' SETBACK FROM ROOF EDGE AND SCREENING REQUIREMENTS FOR ROOFTOP MECHANICALS AT EXISTING HOTEL. PROPERTY LOCATED AT 47 SOUTH MAIN ST. WITH THE FOLLOWING CONDITION:**

- **MORE INFORMATION BE PROVIDED ABOUT THE EXHAUST CABINET ON THE BUILDING TO THE BUILDING DEPARTMENT SO IT CAN BE ENSURED THAT IT IS EARTHQUAKE PROTECTED.**

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

Ms. Sanchick said that she felt that the screening requirement was a reasonable one to make. Mr. Levey said he felt that the rooftop screening requirements need to be written into the rewrite of the zoning regulations. He felt that, if an earthquake did strike Norwalk, it would likely tip the unit over, but the destruction would be greater than one unit. He still wished for it to be verified that the unit was substantially anchored.

**** THE MOTION PASSED UNANIMOUSLY.**

B. 22-1215-01
THOMAS TELESCO - PROPOSED MOTOR VEHICLE REPAIRER LICENSE APPLICATION. PROPERTY
LOCATED AT 151 MAIN ST.

Mr. Levey said that, even though this is an established motor vehicle lot, he felt the land would be more valuable and worthwhile as a site for housing. Chairman Conroy said that, while he agreed, it had been years and no offers had been made. Further discussion followed.

**** MR. LYON MOVED TO APPROVE APPLICATION B. 22-1215-01 THOMAS TELESCO - PROPOSED MOTOR VEHICLE REPAIRER LICENSE APPLICATION. PROPERTY LOCATED AT 151 MAIN ST. AS SUBMITTED.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

ADMINISTRATIVE ACTIONS

A. (CONTINUED FROM OCTOBER 20, 2022) 22-0915-01
GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION,
VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR
EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR.

Mr. Levey said that the applicant had done what they had been asked to do in the prior hearing.

**** MR. LEVEY MOVED TO APPROVE ITEM A. 22-0915-01 GREGORY & MEGHAN STEWART – VARIANCE OF SIDE SETBACK FOR PROPOSED GARAGE ADDITION, VARIANCE OF SIDE SETBACK FOR EXISTING IN GROUND POOL AND VARIANCE OF FRONT SETBACK FOR EXISTING POOL PUMP AT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 15 SKYTOP DR. AS SUBMITTED.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

A. ACTION ON HEARING MINUTES – NOVEMBER 17, 2022

**** CHAIRMAN CONROY MOVED TO APPROVE THE MINUTES OF NOVEMBER 17, 2022 AS SUBMITTED.**

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

B. STATUS OF TRAINING – BOARD MEMBERS SERVING AS OF JANUARY 1, 2023 MUST COMPLETE INITIAL LAND USE TRAINING BY JANUARY 1, 2024

Chairman Conroy said that Ms. Maldonado had been looking into a source for the training and would be able to inform them how to approach the issue in a month or two. Mr. Levey said he had agreed with Ms. Maldonado to help set up whatever training was required.

2023 MEETING CALENDAR

Discussion about the upcoming 2023 meeting calendar and associated scheduling followed.

ADJOURNMENT

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

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:57 P.M.