

CITY OF NORWALK
ZONING BOARD OF APPEALS
October 2, 2014 (approved November 6, 2014)

PRESENT: Andy Conroy, Chair; Taylor Strubinger; Joseph Beggan; Nadine Campbell; Keith Lyon; Lee Levey; Michael Skiber

STAFF: Aline Rochefort; Adam Carsen

OTHERS: Rod Rahe; Wesley Oliver; Jim Cain; Atty Liz Suchy; Phil Katz; Doug Holland

I. CALL TO ORDER

Mr. Conroy called the meeting to order at 7:30 p.m.

II. ROLL CALL

After the meeting was called to order, **MR. CONROY MOVED:** that the agenda would be changed so that the public hearings for the applicant, United Parcel Service Inc., would be held as the last of the public hearings that evening.

**** MR. STRUBINGER SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

He then read the rules of how the public hearings would be conducted.

III. PUBLIC HEARINGS

A. 14-1002-01 - Katy & Rod Rahe – Variance of side yard setback for detached accessory structure, garage in AAA Residence Zone. Property located at 149 Witch Lane.

Mr. Conroy opened the public hearing and Mr. Strubinger read the legal memo into the record. He asked the applicant whether there written explanation could be made part of the recording without reading it in. Mr. Rahe agreed.

Mr. Rahe began the presentation by turning in the certified, return receipts cards evidencing notification of the public hearing. He explained how they had previously been before the Zoning Board of Appeals and listened to their comments. They had revised their plans to meet the suggestions of the commissioners. He explained the changes they had made after meeting with the Zoning Department staff. There was a discussion about the garage. He showed the commissioners the revised plans in comparison with the original plans.

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

B. 14-1002-04 - Wesley W. Oliver- Variance to elevate house previously granted by variance and legalize ac unit in side setback in B Residence Zone. Property located at 72 Roton Ave.

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

Mr. Oliver began the presentation by stating a history of the property as well as his request for a variance so they could elevate the house. The only reason that he had to come before the board was because there was a previous variance on the property. He had no idea the air conditioning unit was in the wrong place. He said he would be glad to move it. There was a discussion of the site plan.

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

C. 14-1002-05 - 458 Westport Ave. Real Estate LLC/Dunkin Donuts - Variance to reduce minimum building height required in Business #2 Zone. Property located at 458 Westport Ave.

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

Mr. Cain began the presentation by turning in the certified, return receipts cards evidencing notification of the public hearing. He also turned in another rendering of what the property would look like. He explained that Dunkin Donuts, the franchisor, is requiring him to complete a full remodel. The Zoning Regulations about a 2nd floor were not in place when he first leased his property. It would be an hardship to complete the 2nd floor. He leases the property from his uncle.

Nora King, a Zoning Commissioner spoke in support. She believed the Zoning regulation may be flawed and would place an undue burden on small business owners. She said that the Zoning Commissioners would be reviewing the regulation. She wanted to speak in favor of Mr. Cain's application.

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

D. 14-1002-02 – United Parcel Service Inc. – Request for two year special permit to expand use to add three portable distribution centers (30 car

load bays) in Restricted Industrial Zone. Property located at 190 Dr. Martin Luther King Jr. Drive and E. 14-1002-03 - Danzig, LLC/United Parcel Service Inc. – Request for two year special permit to provide employee vehicle parking and trailer storage facility in Restricted Industrial Zone. Property located at 215 Dr. Martin Luther King Jr. Drive.

Mr. Conroy asked Atty Suchy if they could hold one hearing for the two, similar applications. After she agreed, he then opened the public hearing. Mr. Strubinger read the legal memo into the record.

Atty Suchy continued the presentation by turning in the certified, return receipts cards evidencing notification of the public hearing. She gave a brief history of both of the properties. She also told the commissioners about the uses of both buildings especially during the holiday season.

Phil Katz showed the commissioners the site plan and began discussing the applications on both sites. He discussed parking spaces for employees and temporary trailers.

Doug Holland continued the presentation. There was a discussion about the staffing during the holiday season. Atty Suchy said that this extra parking would be helpful for the extra staffing.

There was a discussion about the gravel parking lots and the drains on the 215 MLK site. There was also a discussion about a crosswalk between the two sites. There was concern about employee safety especially since the street was so busy. Since this is a temporary special permit, there was a discussion that the applicant would later request a text amendment to the Zoning regulations. At that point, a traffic study would have to be completed so they would have more information. Mr. Holland explained how last year, UPS was overwhelmed with the amount of packages that had to be delivered during the holiday season.

There was also a discussion about when the applicant would file an application to make these changes permanent. Atty Suchy said they would probably file in the first quarter of 2015. She also suggested receiving updates from the applicant as to their progress.

The commissioners discussed the application with regards to the time frame for the special permit, of two years.

Mr. Conroy asked if there was a member of the public that wanted to speak in support of the application.

Miguel Giron, of Papp Street, spoke in opposition to the application. He was concerned for himself and his neighbors from the smoke of the trailers that were running as well as the traffic. Martiza Giron also spoke in opposition to the application.

At this point, Atty Suchy began her rebuttal. She said that the applicant would be happy to speak with the Gironis about their concerns. Mr. Holland noted that the parking would be temporary, to be used during the holiday season. Atty Suchy said that they hoped the parking situation would be better after the applicant filed a new application. It would also be used as a loading station. Mr. Holland said that the trailers were not supposed to be running. There was a discussion about the use of electric/hybrid trailers. There was also a discussion about drainage and catch basins.

Mr. Conroy closed the public hearing.

IV. BOARD ACTION ON A thru E

A. 14-1002-01 - Katy & Rod Rahe – Variance of side yard setback for detached accessory structure, garage in AAA Residence Zone. Property located at 149 Witch Lane.

MR. BEGGAN MOVED: to approve the variance requesting the side yard setback for the detached accessory structure, a garage in AAA Residence Zone, the property located at 149 Witch Lane, be **APPROVED**.

Mr. Strubinger suggested amending the motion as follows: “that the hardship is due to the rock ledge on the terrain.”

**** MR. LYON SECONDED AS AMENDED.**

**** MOTION APPROVED UNANIMOUSLY.**

B. 14-1002-04 - Wesley W. Oliver- Variance to elevate house previously granted by variance in B Residence Zone. Property located at 72 Roton Ave.

MR. STRUBINGER MOVED: that the variance be **GRANTED** be adjusted so that it is within the zoning setbacks. The hardship is the requirement for FEMA elevations at the house.

**** MR. BEGGAN SECONDED AS AMENDED.**

**** MOTION APPROVED UNANIMOUSLY.**

C. 14-1002-05 - 458 Westport Ave. Real Estate LLC/Dunkin Donuts - Variance to reduce minimum building height required in Business #2 Zone. Property located at 458 Westport Ave.

There was some discussion about the variance and how this would affect the small business, Dunkin Donuts.

MR. CONROY MOVED: to **APPROVE** the variance, due to the hardship being that the need to renovate the façade and the small piece of the structure (7%) to maintain the Dunkin Donuts franchised look.

**** MR. LYON SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

D. 14-1002-02 – United Parcel Service Inc. – Request for two year special permit to expand use to add three portable distribution centers (30 car load bays) in Restricted Industrial Zone. Property located at 190 Dr. Martin Luther King Jr. Drive

There was some discussion about the applicant putting in a crosswalk.

MR. CONROY MOVED: to **APPROVE** a request for two year special permit to expand use to add three portable distribution centers (30 car load bays) in Restricted Industrial Zone at a property located at 190 Dr. Martin Luther King Jr. Drive. **W/ condition** that applicant discuss w/ State DOT & DPW pedestrian safety.

**** MR. STRUBINGER SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

E. 14-1002-03 - Danzig, LLC/United Parcel Service Inc. – Request for two year special permit to provide employee vehicle parking and trailer storage facility in Restricted Industrial Zone. Property located at 215 Dr. Martin Luther King Jr. Drive.

MR. CONROY MOVED: to **APPROVE** a request for two year special permit to provide employee vehicle parking and trailer storage facility in Restricted Industrial Zone at a property located at 215 Dr. Martin Luther King Jr. Drive. **W/ Condition** The applicant will confirm that there are adequate catch basins and provisions for treatment of oil and grease and other petroleum based compounds.

**** MR. STRUBINGER SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES – September 4, 2014

**** MR. BEGGAN MADE A MOTION TO APPROVE THE MINUTES AS CLARIFIED.**

**** MR. LYONS SECONDED.**

**** MOTION UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. BEGGAN MADE A MOTION TO ADJOURN.**
**** MR. STRUBINGER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Diana Palmentiero