

**CITY OF NORWICH  
ZONING BOARD OF APPEALS  
November 15, 2016  
Meeting Minutes**

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:00 p.m. Roll call was taken and it was determined that a quorum was present.

PRESENT:                    Marc Benjamin, Chairman  
                                 Henry Olender, Vice Chairman  
                                 Mark Kulos  
                                 Dorothy Travers  
                                 Robert Phoenix - Alternate  
                                 David Martin – Alternate

ABSENT:                    Peter Cuprak

ALSO PRESENT:         Linda Lee Smith, Recording Secretary

**E. COMMUNICATIONS:**

Marc Benjamin told the board he had received an email of Ray Dussault's resignation and had submitted it to the City Clerk's Office but because it's an email and not a signed hard copy it's not official.

**F. ACCEPTANCE OF MINUTES**

Upon motion by Mark Kulos, seconded by Dorothy Travers it was voted unanimously to APPROVE the minutes of the October 18, 2016 regular meeting as amended.

**G. OLD BUSINESS: None**

**H. NEW BUSINESS:**

**1. V#16-11 –14 – Application of Wawecus Medical Associates, LLC for property located at 79 Wawecus Street in a Business Park (BP) zoning district. In accordance with Sec.15.1.9 of the Norwich Zoning Ordinances in effect at the time of site plan approval, to permit the reduction of the required parking spaces from 229 to 193.**

Henry Olender stated he would allow an alternate to vote in his place tonight.

Seated were Marc Benjamin, Mark Kulos, Dorothy Travers, David Martin and Robert Phoenix

Marc Benjamin entered into the record Exhibits "A-I". Mr. Benjamin stated the abutter's notices, photos and survey were submitted. Mr. Benjamin stated there was no response from the Norwich Police Department.

Jeffrey Hertz, 4 Indian Spring Lane, Norwich, CT presented. Mr. Hertz stated he was one of the partners of Wawecus Medical Associates. Mr. Hertz stated they weren't changing anything. Mr. Hertz stated they have expanded the building over the years and presently in the process of selling the building to another buyer. Mr. Hertz stated when they researched the property the building came up short on the appropriate number of parking spaces, and not sure how it happened. Mr. Hertz stated they have always applied for and received building permits and Certificate of Occupancy for all parts of the building. Mr. Hertz stated there is enough parking

today and there hasn't been any accidents, or people parking along the street. Mr. Hertz stated they're not changing anything but the buyer would feel more comfortable with a variance and being in compliance.

Attorney Gerald Smith, 141 Broadway, Norwich, CT was representing the applicant. Attorney Smith stated this all came about because they were in the process of selling the property and they had received zoning compliance letters, was under the impression they were in compliance with the zoning regulations. Attorney Smith stated the buyer discovered the discrepancy between the last site plan approved in 2008 and the square footage of the building that presently exists. Attorney Smith stated the last site plan approved had 39,000 sq. ft. and parking approved for that square footage. Attorney Smith stated the best he could tell because he wasn't involved in the zoning process for the applicant was the building was originally built in 2000 and in 2004 they applied for a building permit and built 6,000 sq. ft. in the basement, and in 2008 an addition to the building. Attorney Smith stated when the new site plan for 2008 expansion was done he was unaware the 6,000 sq. ft. in the basement had been built; and there was never a 2004 approved site plan because there weren't any changes it was just to build in the basement. Attorney Smith stated it must have been an oversight because his client had applied for all building permits and would have applied for a variance in 2008 expansion if it had been brought to their attention. Attorney Smith stated they are just trying to clean up the zoning and continue the existing use, they're not changing the parking which has been there for 8 years without any problems.

Marc Benjamin stated when the building was built they were working under an old regulation 15.1.9 because it was in effect in 2008 when they built the last building and it's not so much the regulation changed but this project went through all the approvals and a box wasn't checked and this will clean up for the purpose of selling the property.

Mark Kulos stated they received all zoning and building approvals and no one caught that the square footage didn't match the number of parking spaces.

Marc Benjamin stated there was an error on the City's fault not on the applicants, and he could understand why a perspective buyer would be concerned.

David Martin asked how the current regulation differs from the previous on how many parking spaces required. Attorney Smith stated the old regulation Sec. 15.1.9 was 1 space for every 200 sq. ft. and the new regulation is 1 space for every 165 sq. ft. Mark Kulos asked if they would be compliance under the new regulation and Marc Benjamin stated no.

Robert Phoenix asked for clarification if he had purchased one or two pieces of property to build both buildings. Mr. Hertz stated the original building was built with one piece of property and then they bought the adjoining piece of property and taken part of the adjacent property for extra parking to be in compliance at that time. Mr. Phoenix asked if he owned both pieces of property. Mr. Hertz stated yes.

A motion was made by Robert Phoenix, second by Mark Kulos to close the meeting as there being no others speakers. Motion carried unanimously.

## **I. DISCUSSION/DECISION ON APPLICATIONS**

**1. V#16-11 –14 – Application of Wawecus Medical Associates, LLC for property located at 79 Wawecus Street in a Business Park (BP) zoning district. In accordance with Sec.15.1.9 of the Norwich Zoning Ordinances in effect at the time of site plan approval, to permit the reduction of the required parking spaces from 229 to 193.**

Seated were Marc Benjamin, Mark Kulos, Dorothy Travers, David Martin and Robert Phoenix

Motion was made by Robert Phoenix to APPROVE V#16-14 based on the changes to the regulations and it's the first effect on the property owner. Mark Kulos seconded the motion because it's not the fault of the applicant but someone within the City and it has been 8 years without incidence.

David Martin stated there is no additional area to put the additional parking and they've demonstrated the parking is adequate.

Motion was made by Robert Phoenix, second by Mark Kulos to APPROVE V#16-14. Motion carried unanimously.

**J. OTHER MATTERS: None**

Motion was made by Henry Olender, seconded by David Martin to go into executive session and resumed at 7:33 p.m.

**K. ADJOURNMENT**

Upon motion by Robert Phoenix and second by Mark Kulos it was unanimously voted to adjourn at 7:34 p.m.

Respectfully submitted,  
Linda Lee Smith  
Recording Secretary