

**CITY OF NORWICH  
ZONING BOARD OF APPEALS  
May 14, 2019  
Meeting Minutes**

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:02 p.m. Roll call was taken.

PRESENT:            Marc Benjamin, Chairman  
                       David Martin  
                       Dorothy Travers  
                       Robert Phoenix  
                       Gregory Schlough Alternate

ABSENT:            Peter Cuprak  
                       Kevin Saythany, Alternate

OTHERS:            Richard Shuck, Zoning Enforcement Officer, and Katherine Rose,  
                       Recording Secretary

Marc Benjamin called the meeting to order at 7:01 p.m. Marc Benjamin stated all 5 regular members would be voting on all matters.

**D. COMMUNICATIONS:** Notice from Kevin Saythany that he would not be in attendance due to work obligations.

**E. ACCEPTANCE OF MINUTES:**

Marc Benjamin made a motion to accept the March 12, 2019 minutes with the revision of 'Chapman' to Benjamin, the correct spelling of the name Phoenix and the revision of 'state' to 'stated' on page 3. Gregory Schlough seconded. The motion passed unanimously.

**F. OLD BUSINESS:** None.

**G. NEW BUSINESS:**

1. **V#19-01: 201 – 223 North Main St.** Request for Variance to ZR Sec. 2.1, Business Bulk Requirements, to vary lot coverage from 25% to 49.29% where 41.48% exists; and reduce the rear yard setback to 17 ft., from the required 20 ft. for the purpose of constructing a 64 ft. x 50 ft. addition on the north side of the existing building. Property of American Group Realty, LLC; Application of American Group Realty, LLC., Assessors Map #94 Block # 3 Lot # 30, GC Zone

Richard Shuck read into the record Exhibits A-H.

Attorney Theodore Phillips of 12 Case Street Suite 207 introduced himself on behalf of the applicant Michael Aliano of American Group Realty LLC and stated they are

requesting a variance of two table requirements with the first being in regards to lot coverage which currently for the zone provides for 25% maximum where they have 48.48% existing and are looking to increase to 49.29% and the second in regards to rear yard setback where 20 feet is required and they are requesting 17 feet in order to build an addition to the vehicle repair facility. Attorney Phillips discussed the topography of the area where there is a severe drop-off on the North Main Street side so on the Erin Street side a 25-foot retaining wall was constructed to hold the property upwards. Attorney Phillips added that the placement of the existing building, which was re-constructed in the past due to collapse, cuts the property in half so that the northern portion of the property is not able to be reasonably used so they are looking to extend the building about 50 feet to allow for the addition. Attorney Phillips stated the purpose of the addition is to make way for repairs on ambulances as the American Ambulance fleet increases as Mr. Aliano owns both American Ambulance and Macara Vehicle Service and repairs the ambulances at Macara. Attorney Phillips stated Mr. Aliano wishes to keep his businesses local and these variances would assist him in doing that. Attorney Theodore Phillips provided photographs to further show how the building currently sits and where the expansion would fall. Attorney Phillips explained the viewpoints from the various surrounding streets and stated that the addition would still comply with the northern-side boundary among the other variances. Attorney Phillips also explained that again because the building footprint was not square to the property line the existing 20 feet rear yard setback causes them to lose a couple feet as they extend outward so the three foot variance request is to prevent any potential issues during construction. Attorney Phillips went over additional photographs that demonstrate how the addition will stay in-line with the existing height of the building. Attorney Phillips wished to state for the record his three findings for this property being circumstances that don't general apply to other properties in the area; the unusual topography of the building including the severe drop off and the position of the building not being placed square to the property which in turn cuts off the north third of the property; secondly strict application of zoning variances would deny the owner reasonable use of the northern third of the property; and thirdly the variances if allowed will be in harmony with the purposes and intent of the zoning regulations and would not be detrimental in anyway to the neighborhood.

Marc Benjamin asked if there were plans for anything to be in the top section of the addition.

Michael Aliano of 11 American Way, Norwich and owner of Macara Vehicle Service introduced himself and stated the expansion will just be open shop space to create extended height for ambulances.

Robert Phoenix questioned if the requested variance is due to construction needs did their design consultant give an explanation as to why they couldn't construct a different size addition. Attorney Theodore Phillips responded that the materials are pre-fabricated.

Richard Shuck stated he brought along the last site plan from the Department of Motor Vehicle with the proposed site plan penciled in as the site plan will need to be updated with Motor Vehicle so that they can update their system for location approval.

Marc Benjamin clarified the addition will be more working floor space within the same business not a new business or divided space. Marc Benjamin asked if the plan would be to continue the existing stucco facade across the new addition. Michael Aliano responded it would.

Marc Benjamin opened the floor for anyone who would like to speak in favor of the appeal.

Bob Mills of Norwich Community Development Corporation at 66 Franklin Street, Norwich introduced himself and thanked the Board for the opportunity to combine zoning and economic development and commended the Board on their important role in making things work in the City. Mr. Mills stated he felt it is important to not stymie businesses and do whatever possible to support them in being compliant in order to make a healthy business stay healthy.

Peter Nystrom of 36 Laurel Heights, Norwich introduced himself and stated he would like to show his support as approved variance would assist in expanding the grand list and keeping existing businesses thriving.

Robert Phoenix made a motion to close the public hearing. Gregory Schlough seconded. Motion carried. unanimously.

2. **V#19-02: 11 Julian Ter.** Request for Variance to ZR Sec. 1.1, Residential Bulk Requirements, to reduce the side yard setback to 8 ft., from the required 20 ft. for the purpose of constructing a 16 ft. x 8 ft. addition on the South side of the home. Property of Jenniferanne Michels; Application of John T. Michels, Assessors Map #76 Block # 2 Lot # 49, R-20 Zone

Richard Shuck read into the record Exhibits 'A-K.'

John Michels of 22 Melard Point, Griswold introduced himself and stated he is seeking a variance to reduce the yard setback to eight feet as to allow for a new addition to the property. Mr. Michels introduced a photograph as Exhibit I-4 showing reflectors that demonstrate how far the addition will come out and the distance to the neighboring property. John Michels explained all homes in the area are placed on irregular lots and showed sketches demonstrating how the addition cannot be placed in another location and how the current setbacks affect the placement of the addition. John Michels stated the addition will be a single-story half bathroom and half laundry room.

Marc Benjamin clarified with Richard Shuck that on Exhibit H the dotted lines represent the setback lines so anything beyond those lines are already encumbering on the setbacks which would be the home itself.

Gregory Schlough asked if the addition would affect the driveway in any way. Mr. Michels responded it would not as it would sit a couple feet away from the driveway.

Robert Phoenix asked if Mr. Michels had gotten an agreement from his neighbors. John Michels stated he sent 11 notices to two different neighbors and has received no response back. Richard Shuck stated that would not prevent them from approving the variance if they chose.

Gregory Schlough made a motion to close the public hearing. Robert Phoenix seconded. Motion carried unanimously.

3. **V#19-03: 326 Washington St.** Request for Variance to ZR Sec. 6.9.3.1.2, Wireless Telecommunication Facilities, to allow 72 inch tall antenna panels where 60 inches is the maximum allowable height of an antenna panel. Property of The William W Backus Hospital Inc.; Application of Kenneth C. Baldwin, Esq., Assessors Map #76 Block # 1 Lot # 42, R-20 Zone

Richard Shuck read into the record Exhibits 'A - G.'

Attorney Ken Baldwin of Robertson and Cole at 280 Trumbull Street, Hartford introduced himself on behalf of the applicant Verizon Wireless who in an effort to improve technologies for its customers in the area is seeking to establish a wireless telecommunications facility at Backus including six antennas and six remote radio heads that would be attached to the Backus Hospital smoke stack with the associated equipment stored in a garage nearby along along with a backup generator to provide power to the facility in case of interruption. Attorney Baldwin stated the only variance being requested is on that will allow a standard 72-inch tall antenna that Verizon has been using for many years opposed to the currently allowed 60-inch antenna. Attorney Ken Baldwin stated he believed the variance is somewhat outdated from a time wen 48-inch antennas were standard as the 72-inch antennas allow for higher technologies and can contain two 60-inch antennas inside themselves. Attorney Baldwin said with the exception of the antenna height the facility complies with zoning regulations so their hardship is a technical one as the 72-inch antenna is needed to provide the best service.

Robert Phoenix asked for clarification on the location of the antenna on the chimney. Attorney Ken Baldwin showed on Plan Z3 and Plan Z4 where the antennas will be fixed.

Gregory Schlough asked if Verizon has put up structures such as this in Norwich before. Attorney Baldwin responded they have gotten various rooftop towers and structures approving in the passed through the Citing Commision. Marc Benjamin stated he felt as

though the difference in antenna height would not be noticeable from a ground level viewpoint.

Gregory Schlough made a motion to close the public hearing. Robert Phoenix seconded. Motion carried unanimously.

#### **H. DISCUSSION AND POSSIBLE DECISIONS:**

**1. V#19-01: 201 – 223 North Main St.** Request for Variance to ZR Sec. 2.1, Business Bulk Requirements, to vary lot coverage from 25% to 49.29% where 41.48% exists; and reduce the rear yard setback to 17 ft., from the required 20 ft. for the purpose of constructing a 64 ft. x 50 ft. addition on the north side of the existing building. Property of American Group Realty, LLC; Application of American Group Realty, LLC., Assessors Map #94 Block # 3 Lot # 30, GC Zone

Robert Phoenix made a motion to open and approve the request. David Martin seconded. Motion carried unanimously.

Robert Phoenix stated he would like to approve the request primarily due to the hardship of applicant being denied reasonable use of the property without the variance and being familiar with the area he agrees the topography also causes a hardship against future development.

David Martin added the existing location of the building on the lot jives with the location of the new addition as the new addition will be a continuation of the existing building. Dorothy Travers agreed and stated the new addition will not impede on North Main street in any way.

Gregory Schlough added he knows it was stated and discussed but he would like a contingency of the approval to be the construction of the addition be as close to the existing construction as possible.

Marc Benjamin stated he agreed with everything that had been stated; the placement of the addition makes sense and felt the addition would be harmonious with the existing structure and the surrounding area. Marc Benjamin noted this is a long-established business that is a sister to another long-established business and as those who spoke in favor said the City should do whatever is in their power to support these businesses.

Marc Benjamin called for a vote in favor. The variance approved unanimously.

**2. V#19-02: 11 Julian Ter.** Request for Variance to ZR Sec. 1.1, Residential Bulk Requirements, to reduce the side yard setback to 8 ft., from the required 20 ft. for the purpose of constructing a 16 ft. x 8 ft. addition on the South side of the home. Property of Jenniferanne Michels; Application of John T. Michels, Assessors Map #76 Block # 2 Lot # 49, R-20 Zone

Robert Phoenix made a motion to open and approve the request. Gregory Schlough seconded. Motion carried unanimously.

Robert Phoenix stated the lot is nonconforming due to zoning regulation changes which in itself presents a hardship and that he feels the addition of a half-bathroom will improve the property.

Gregory Schlough stated he didn't feel there would be any issues as all questions were answered properly and agreed this would improve the property as Robert Phoenix stated they believe the bathroom facilities for those homes are on the second floor currently.

David Martin added he felt the hardships are the shape of the property and the location of the home on that property so the request to add the addition is reasonable and it would be unfair to deny the request.

Dorothy Travers stated the way the request has been presented is reasonable and it will benefit the neighborhood.

Marc Benjamin stated he also agrees and giving the setback there aren't other reasonable options for the addition location.

Marc Benjamin called for a vote in favor. The variance approved unanimously.

- 3. V#19-03: 326 Washington St.** Request for Variance to ZR Sec. 6.9.3.1.2, Wireless Telecommunication Facilities, to allow 72 inch tall antenna panels where 60 inches is the maximum allowable height of an antenna panel. Property of The William W Backus Hospital Inc.; Application of Kenneth C. Baldwin, Esq., Assessors Map #76 Block # 1 Lot # 42, R-20 Zone

Robert Phoenix made a motion to open and approve the request. David Martin seconded. Motion carried unanimously.

Robert Phoenix stated he was still unsure as to why the Zoning Board was hearing this request as it's an addition to an existing structure however he understands that the existing zoning regulation limits the size of the equipment to be used on the structure and as that allowed equipment is no longer in existence that in itself creates a hardship so he is inclined to approve the application as the request is only for an allowance of new equipment.

David Martin added he felt the hardship is that the equipment does not meet the existing regulations and is not practical for Verizon to construct special antennas for one installation.

Dorothy Travers stated she feels the new antennas will benefit the area's cell phone reception.

Gregory Schlough added he is also in favor and would rather the antenna be placed on top of a smokestack than elsewhere as it will preserve possible land usage.

Marc Benjamin stated he also was in support and did not feel the antenna difference would be of any notice and it is important to improve with technology. Marc Benjamin added the City may want to look into revising zoning regulations to meet the new technology standards so applicants don't have to come forth each time.

Marc Benjamin called for a vote in favor. The variance approved unanimously.

**I. OTHER MATTERS:** Marc Benjamin brought to the Board's attention the cost of mailing out the packages containing the minutes, plans etc. to each member prior to the monthly meetings. Discussed ensued on possible solutions to reduce printing and mailing costs.

Robert Phoenix made a motion to table the decision until next meeting to give staff more time to research a solution. Dorothy Travers seconded. Motion passed unanimously.

**J. ADJOURNMENT:** A motion was made by Robert Phoenix to adjourn at 8:02 PM. David Martin seconded. The motion carried unanimously.

Respectfully submitted,  
Katherine Rose  
Recording Secretary