

**CITY OF NORWALK
ZONING COMMISSION
March 16, 2016**

PRESENT: Adam Blank, Chair; Emily Wilson; Jill Jacobson; Doug Stern; Michael Witherspoon;

STAFF: Michael Wrinn; Jim Bova

OTHERS: Atty. Marc Grenier

I. CALL TO ORDER

Mr. Blank called the meeting to order at 7 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. EXECUTIVE SESSION

a. Discussion of Pugliese v. Norwalk Zoning Commission/Special Properties II, LLC – 78 Cranbury Rd appeal

Before the commissioners began the executive session, Mr. Blank recused himself and left the room. Ms. Wilson made a motion to enter into the executive session which was seconded by Ms. Jacobson.

IV. RETURN FROM EXECUTIVE SESSION

At the end of the executive session, Mr. Blank returned to the room. Mr. Wrinn introduced the commissioners to the newest Zoning Commissioner, Michael Witherspoon.

V. PUBLIC HEARINGS

a. #3-16SP/#7-16CAM – 94 East Ave LLC – 94 East Avenue - Add 5 residential units to existing office

Mr. Blank opened the public hearing. Atty Grenier began the presentation by handing in the certified mail, return receipt cards evidencing notice of the public hearing to the neighbors. He then showed the commissioners photos of 94 East Avenue, on both the front and the side of the building to show them where the units would be built. He explained that this would be a mixed use development with both residential units and commercial units. There would also be a recreation area as required under the regulations. There would not be any changes to the footprint of the current building. He noted that the application meets all the requirements of the zoning regulations, the traffic report show a decrease in the traffic in the area or that there is no adverse impact on drainage. No one spoke in support or against the application. Mr. Blank closed the public hearing.

b. #17-15R – Zoning Commission – Proposed amendments to exempt seasonal outdoor dining from parking requirements in designated sections of East Norwalk

Mr. Blank opened the public hearing. Mr. Wrinn began the presentation by explaining the proposed amendment to allow seasonal outdoor dining in the East Norwalk area. No one spoke in support or against the application. Mr. Blank closed the public hearing.

VI. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

a. Action on Item V. a.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application # 3-16 SP / # 7-16 CAM, submitted by 94 East Avenue, LLC for the conversion of space within an existing office building at 94 East Avenue into 5 residential units as shown on various plans by Tucker Chase, Architect, Stratford, CT, dated January 15, 2016 and by Grumman Engineering, LLC, Norwalk CT, dated 1-5-16, as amended be **APPROVED** with the following conditions:

1. That any change to the plan will require Zoning Commission approval; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That any additional soil and sedimentation controls be installed as directed by staff; and

BE IT FURTHER RESOLVED that the application complies with the applicable Coastal Area Management resource and use policies; and

BE IT FURTHER RESOLVED that a Special Permit Certificate and map be placed on the Norwalk Land Records;

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 25, 2016.

Mr. Blank seconded.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

b. #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Road - Renovations and additions to existing concession building at Calf Pasture Beach – Request for 1 year extension of approval time - Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Concession as shown on various plans by Robert Storm Architects dated revised to February 11, 2003, be approved, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
2. That the new approval deadline for obtaining permits will be **March 31, 2017**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 25, 2016.

Ms. Wilson seconded.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

c. #9-15SPR/#24-15CAM – 587 CT. Ave. LLC – 11 Belden Av – 69 residential units – Report & recommended action

**** MS. WILSON MOVED: BE IT RESOLVED**

**** MS. WILSON MOVED: BE IT RESOLVED** that application # 9-15SP / #24-15CAM, 587 Connecticut Avenue LLC, for a 69 unit residential building at 11 Belden Avenue, with 7 workforce housing units, as shown on plans by The Sullivan Architectural Group, Fairfield, CT and by Godfrey Hoffman and Associates, Surveyors and Engineers, North Haven, CT, dated 8/17/15 as amended be **APPROVED** with the following conditions:

1. That any change to the plan will require Zoning Commission approval; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That a long term parking agreement (25 years) for parking in lots #3 and #5 Mott be reviewed and approved by Corporation Counsel and placed in the Land Records; and
4. That any additional required sedimentation and erosion controls be installed as directed by staff; and
5. That both off street parking lots (# 3 and # 5 Mott Avenue) be upgraded with asphalt and drainage which meets city standards and be properly stripped; and
6. That lighting on both off street parking lots conform to City Standards, in both the amount of illumination and that the lighting be screened / shielded to prevent glare / light from leaving the property; and
7. That, as agreed to by the applicant, that a pedestrian cross walk be installed in the vicinity of the project ingress / egress on Mott Avenue; and
8. That this cross walk be equipped with Rapid Rectangular Flashing Beacons (RRFB's); and
9. That the Department of Public Works approval be received for this crosswalk; and
10. That a construction phasing plan (including laydown and storage area) be reviewed and approved by staff in order to prevent any interference/ impact with #15 Belden, which shares a common drive; and
11. That the Affordability plans for the Workforce Housing units be reviewed and approved by Corporation Council and filed in the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the application complies with the applicable Coastal Area Management resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 25, 2016.

Mr. Blank seconded.

Before the commissioners voted on this resolution, there was some discussion. Mr. Blank noted that he was in favor of this application, although the library did need parking. He believed that this was infill development. Mr. Stern and Ms. Jacobson were concerned about the safety issues that were created on Mott Ave.

Adam Blank and Emily Wilson voted in favor.

Doug Stern and Jill Jacobson opposed.

Michael Witherspoon abstained.

The item did not carry.

d. #10-15SPR – Tucker Mgmt LLC – 467 Connecticut Av – 2 new buildings: 2 story retail building and 2 story ChickFil-A with drive thru - Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application # 10-15SPR, Tucker Management, LLC for 2 individual buildings at 467 Connecticut Avenue / Rampart Road, consisting of a 2 story Chick-Fil-A restaurant with a drive up service window and a separate 2 story 10,000 SF retail furniture building at the rear, as shown on various plans by Langan Engineering, New Haven CT, dated 12/17/15, revised to 2/3/16 be **APPROVED** with the following conditions:

1. That any change to the plan will require Zoning Commission approval; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That any additional soil and erosion controls be installed as directed by staff; and
4. That a revised survey map be filed on the Land Records, recording the revised property lines as shown on the applications; and
5. That directional arrows on the pavement be added to improve site circulation and that a plan be submitted to be approved by staff; and
6. That all delivery / refuse trucks shall enter and exit the site using Connecticut Avenue; this is the responsibility of the business owners to properly direct all trucks associated with the businesses; and

7. That signs with an arrow to directing traffic to Connecticut Avenue to access I-95 South and I-95 North be installed; and
8. That a follow-up traffic study be undertaken with-in 6 months of the opening of the restaurant to confirm traffic assumptions; and'
9. That this follow-up traffic study take traffic counts at Cossitt Road to confirm that traffic is not using this as a cut-through to I-95; and
10. That no access to the State of Connecticut property along I-95 through this parcel is allowed;

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 25, 2016.

Ms. Wilson seconded.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

e. #3-16CAM – Landtech – 287 East Ave - New single family residence – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #3-16CAM, construction of a proposed single-family residence for the property 287 East Avenue and as shown on the and on the engineering drawings dated 10/1/2015 and Revised to 3/4/2016 by Landtech Engineers, Westport, CT and on the architectural drawings of 9/1/2015 and Revised to 1/5/2016 by Connecticut Valley Homes of East Lyme, Inc., East Lyme, CT be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 25, 2016.

Ms. Wilson seconded.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

VII. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR

a. Action on Item V. b.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#17-15R – Zoning Commission – Proposed amendments to exempt seasonal outdoor dining from parking requirements in designated sections of East Norwalk" and dated January 14, 2016 be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are as follows:

1. To implement the Plan of Conservation and Development to "Examine and modify existing zoning where necessary to achieve the goals of this plan"(F.2.1, p. 42); and
2. To implement the Plan of Conservation and Development to "Support economic growth in the city with appropriate parking strategies (E.5.1, p. 39); and

3. To implement the Plan of Conservation and Development to “Continue to survey the parking provided for existing buildings and uses to evaluate the adequacy of existing parking standards (E.5.1.5, p. 39); and

BE IT FURTHER RESOLVED that the effective date of this action be March 25, 2016.

Mr. Blank seconded.

Before the vote, the referrals from the Planning Commission and the Department of Energy and Environmental Protection was read into the record by Ms. Wilson.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

VIII. REPORT OF ADMINISTRATION COMMITTEE

a. Action on settlement of Pugliese v. Norwalk Zoning Commission/Special Properties II, LLC – 78 Cranbury Rd appeal

Before the vote, Mr. Blank recused himself and left the room.

**** MS. WILSON MOVED:** to accept the proposed Stipulation of Judgment..

Ms. Jacobson seconded.

Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

IX APPROVAL OF MINUTES: February 17, 2016

Ms. Wilson moved to approve the minutes.

Mr. Blank seconded.

Adam Blank; Emily Wilson; Doug Stern, and Jill Jacobson voted in favor.

No one opposed.

Michael Witherspoon abstained.

X. COMMENTS OF ACTING DIRECTOR

Mr. Wrinn noted that the commissioners were receiving the Transit Oriented Development Plan from the Redevelopment Agency in their packets. It went to both the Planning and Zoning Commissions. The Redevelopment Agency is requesting comments on the plan.

Mr. Wrinn also mentioned that the commissioners had received the updated traffic study from Lowe’s. He noted that it was done slightly after the 6 month mark because the state had still been doing work on the roadway.

XI. COMMENTS OF COMMISSIONERS

The commissioners welcomed Mr. Witherspoon.

XII. ADJOURNMENT

Mr. Blank made a Motion to Adjourn.

Ms. Wilson seconded.

Adam Blank; Emily Wilson; Doug Stern, Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Diana Palmentiero