

**CITY OF NORWALK
ZONING COMMISSION
MAY 19, 2010**

PRESENT: Jackie Lightfield, Chair; Andrea Light; Michael Mushak; Karen Spencer; James White; Bob Hard; Adam Blank; Michael O'Reilly

STAFF: Mike Greene; Brenda Hrtanek; Frank Strauch

OTHERS: Colin Roth; Atty. Frank Zullo; Michael Stein; Mike Galante; Jane DiDona; Gregory Smith; Steve McAllister; David Park; James Stewart; Gordon Tully; Joanne Romano; Fran DiMeglio; Dr. Syed Reza

I. CALL TO ORDER

Ms. Lightfield called the meeting to order at 7:30 pm.

II. ROLL CALL

Mr. Greene took the roll call.

III. PUBLIC HEARING

a. #5-10SP/#10-10CAM – Water Song LLC – 140 Water St – Retail use for children's art & music classes within existing building

Ms. Lightfield opened the public hearing.

Mr. Colin Roth, an architect for the applicant, discussed the hours of operation and the details of the business. He emphasized that the project would not generate an increase in traffic impact on Water Street. He also said that neighbors had been notified and that a letter supporting the proposal had been submitted by a resident at 130 Water Street. Mr. Roth explained that the formerly derelict building was currently unoccupied. He added that the project was consistent with Marine Commercial use.

Ms. Lightfield opened the hearing to public comment.

Ms. _____, a resident of Norwalk, discussed the music education program. She distributed a flyer and emphasized that the proceeds from certain events went to local causes.

Ms. Lightfield closed the public hearing.

b. #3-10SP – Maplewood at Strawberry Hill – 73 Strawberry Hill Avenue – 84 unit Congregate housing & Assisted living facility

Ms. Lightfield opened the public hearing.

Atty. Frank Zullo described the property and gave background about it, noting that it had once been a nursing home. He pointed out that the building was currently vacant land. He described the details of the floor plans and discussed drainage, landscaping and traffic issues.

Mr. Michael Stein discussed the architecture of the project, pointing out the parking plans and the interior courtyard.

Mr. Hard asked about the term "Horizon." Atty. Zullo clarified that the term indicated the various levels of care offered by the facility.

Mr. Hard asked about the cost to residents. Mr. Stein said that it was \$5,400 per month.

Mr. Hard asked about the average stay for residents. Mr. Stein said that it was expected to be from 24 to 36 months. He acknowledged that turnover was expected. Atty. Zullo emphasized that the project involved an assisted living facility, not a nursing home, per se.

Ms. Lightfield stated the need for conditions with regard to the dumpster.

Ms. Spencer asked for details about how the facility was operated. Mr. Stein explained that the applicant owned three assisted living communities and that this facility would be self-managed. He emphasized that the facilities had a history of financial soundness.

Mr. Blank asked about private aides or nurses for the residents. Mr. Stein gave details and confirmed that residents could have private care. He said that six visiting nurses were on site, in addition to the nurses provided by the facility itself.

Mr. Hard asked if the patients still could drive. Mr. Stein said that very few were still driving. He added that family visits took place largely on weekends. He also gave details about the size of the staff and clarified that the shift changes occurred well before the traffic peaks.

Mr. O'Reilly asked if the staff took public transportation. Mr. Stein said that many of the hourly employees did so.

Ms. Jane DiDona, a landscape architect, answered questions about the project.

Mr. Blank asked if the pavers were a tripping hazard. Ms. DiDona gave details about the pavers and said that the technology was very good.

Mr. Mushak asked about lighting. Ms. DiDona said that there was no glare. She described the retractors and the LED lights.

Ms. Light asked about plans to remedy the poor condition of the hill going down to Fitch Pond. Ms. DiDona said that no plantings were being proposed, but that erosion would no longer be a problem.

Ms. Lightfield asked about snow removal. Ms. DiDona said that it would go by the proposed loading area in the southwest corner of the property and also in the rain garden.

Ms. Spencer asked about the entrances to the facility. Ms. DiDona noted that there was a back entrance. She explained that the main entrance was not covered with an awning, as doing so would have required a variance.

Ms. Lightfield asked about plans to prevent parking in the facility's driveway by people who were using the neighboring ball field. Ms. DiDona said that the applicant would work with the City due to the easement.

Mr. White stated that the applicant had put together a great presentation.

Ms. Lightfield opened the hearing to public comment.

Mr. David Park, 66 Strawberry Hill Avenue, spoke in favor of the project.

Mr. James Stewart, 12 Raymond Terrace, also spoke in favor of the proposal. He pointed out that no ice cream trucks should be permitted in the facility's driveway.

Mr. Gordon Tully, 6 Walnut Avenue, spoke in favor of the project.

Ms. Joanne Romano, 7 Hayes Avenue, said that she supported the application.

Ms. Fran DiMeglio, 60 Strawberry Hill Avenue, spoke in favor of the project, but added that the parking issues needed to be examined with the Parks & Recreation Department.

Ms. Lightfield closed the public hearing.

c. #1-10SPR – Dr. Syed Reza – 346 Main Ave – Conversion of 38,000 sq ft building to medical & general office

Ms. Lightfield opened the public hearing.

Dr. Syed Reza described the proposal, explaining that it involved relocating the existing doctor and offices to one location. He said that the façade would be redone, along with landscaping improvements, and the replacement of firewalls and sprinklers. He said that there would be 177 parking spaces and confirmed that there would be only one curb cut. Dr. Reza confirmed that the building color would be earth-tone or beige. He discussed the traffic study and also stated that all fuel tanks would be removed. He added that the site would be cleaned to DEP standards.

Mr. White asked if catch basins were part of the plan. Dr. Reza said yes.

Mr. Mushak asked about trees on the site. Mr. Greene said that staff was still reviewing the trees.

Ms. Lightfield opened the hearing to public comment. There were no speakers.

Ms. Lightfield said the Commission would not vote on the item tonight. She closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR

a. Action on Items III. a., b. and c.

III. a. #5-10SP/#10-10CAM – Water Song LLC – 140 Water St

**** MR. WHITE MOVED: RESOLVED that application #5-10SP/#10-10CAM submitted by Water Song LLC for a retail art and music center at 140 Water Street be APPROVED; and**

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

III. b. #3-10SP – Maplewood at Strawberry Hill – 73 Strawberry Hill Avenue

**** MR. WHITE MOVED: RESOLVED that application #3-10SP – Maplewood at Strawberry Hill – 73 Strawberry Hill Avenue – 84 unit Congregate housing & Assisted living facility, and as shown on various site and engineering plans McChord Engineering, LLC, Wilton, CT, and Landscape Didona Associates, Danbury, CT dated 3/18/10 and Revised to 3/5/10 and Revised to 5/6/10 and Architectural Plans by Stein Troost, LLC, Norwalk CT, dated 4/5/10 be APPROVED with the following conditions:**

- 1. That all required CEAC signoffs are submitted; and**
- 2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and**
- 3. That all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and**
- 4. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and**

5. That the required driveway easements with the adjoining City Property (known as Fitch Park) be filed prior to the Certificate of Occupancy; and
6. That the required drainage easements with the adjoining City Property (known as Fitch Park) be filed prior to the Certificate of Occupancy; and
7. That a stormwater maintenance plan, including the maintenance of the proposed impermeable pavers, be submitted; and
8. That the proposed dumpster be locked; and
9. That the hours of garbage pick-up be no earlier than 7 a.m. and no later than 7 p.m.; and
10. That all signage, existing and proposed, comply with the zoning regulations; and
11. That any graffiti on the site, now or in the future, be removed immediately; and
12. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-340, "B" residential and 118-1450 Special Permit; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

** MS. LIGHT SECONDED.
 ** MOTION PASSED UNANIMOUSLY.

III. c. #1-10SPR – Dr. Syed Reza – 346 Main Avenue

** MR. WHITE MOVED TO SEND THE ITEM BACK TO COMMITTEE.
 ** MS. LIGHT SECONDED.
 ** MOTION PASSED UNANIMOUSLY.

b. #3-10CAM – Vona – 37 High St – Contractor's storage yard – Request to modify approvals to increase size of yard & add larger trucks - Report & recommendation

** MR. WHITE MOVED: RESOLVED that Coastal Area Management application #3-10CAM, submitted by N. & G. Vona Mason Contractors for a Contractors Yard at 37 High Street, as shown on various plans by McChord Engineering Associates, Wilton, CT as revised to 5/5/05 be DENIED, for the following reasons:

1. That the applicants failed to prove that the standards under Section 118-700(5)(a) Additional standards for an Industrial No. 1 zone use have been met; and
2. That no written assessment of the environmental impacts of the proposed use have been submitted; no drainage report based on the new use of the rear of the property has been submitted, which needed to ensure that the drainage from a parking lot containing large construction is properly treated; or a noise report has been submitted; and the Commission finds that these impacts are unacceptable; and
3. That the emissions from two tri-axle, 20 yard dump trucks, three 8-ton 6-wheeled dump trucks and two dual wheeled pick ups parked directly adjacent to a residential condo complex are unacceptable; the emission of these fumes and smoke from large diesel trucks proposed to be parked directly adjacent to an existing residential complex have not been addressed; and
4. That the yard is not adequately screened, as per Section 118-100 Contractors Storage Yard. Only a schematic of tree placement plan (which left undefined what trees were existing and which were proposed) was submitted without any size or varieties of trees, which are needed in order to determine if the yard is effectively screened; and
5. That the anticipated dust and erosion at the unpaved storage area at the rear of the property has not been addressed and given the existing erosion currently occurring, the on-site and off-site impacts from this soil erosion and sedimentation is unacceptable; and

6. That the plans show parking for standard size vehicles, each space being 8 ½ feet by 19 feet, which creates a circulation issue and an uncertainty as to where on the property the trucks will actually be parked; and
7. That the addition of the proposed large vehicles to this location, given the narrow one way street situation is unacceptable and no traffic assessment was submitted; and
8. That the negative impact on the coastal environment from the erosion and proposed use is unacceptable; no proposed measures to lessen or mitigate any impacts were made part of the application; and

BE IT FURTHER RESOLVED that the proposal fails to comply with the applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this denial shall be May 28, 2010.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

c. #7-09SPR – Norwalk Community Health Center – 120 Connecticut Av – Request for release of surety – Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that the surety be released on application #7-09SPR submitted by Norwalk Community Health Center—120 Connecticut Avenue as all improvements have been completed, including all additional trees and shrubs per the amended site plan; and

BE IT FURTHER RESOLVED that a 15% maintenance surety be retained, to be held for a minimum period of one year; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY**

d. #10-00SP – Scicchitano - 8 Fitch Street – Convert to motor vehicle repair facility – Request for release of maintenance bond - Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that the request to release the maintenance surety held on #10-00SP—Scicchitano—8 Fitch Street—Convert to motor vehicle repair facility—Request for release of maintenance bond be **APPROVED** as the required landscape improvements, have been properly installed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

e. Special use - Brien McMahon High School – Highland Ave - Proposed Bus shelter - Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that a Special Use permit submitted by Brien McMahon High School on Highland Avenue for a bus shelter to be located as shown on a set of plans entitled “Location of Proposed Bus Shelter as Approved by the Plan Review Committee, dated May 13, 2010” be **APPROVED** with the condition that there be no advertising on the shelter; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

f. #7-10CAM – Gould – 45 Neptune Ave – Construction of single family residence – Report & recommendation

**** MR. WHITE MOVED: RESOLVED that application #7-08=10 CAM, construction of a single-family residence for the property 45 Neptune Ave, and as shown on the site plans by Grumman Engineering, Norwalk, CT, dated 3/8/10 and revised to 4/29/10 and architectural drawings plan by Maryann Thompson Architects dated 3/11/10, 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.

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.
** MOTION PASSED UNANIMOUSLY.**

g. #11-10 CAM – Norwalk Deli Café LLC – 55 Wall St – Tenant fit-up for restaurant - Rpt & recommendation

**** MR. WHITE MOVED: RESOLVED that Coastal Area Management #11-10 CAM – Norwalk Deli Café, LLC – 55 Wall St – Tenant fit-up for restaurant and as shown on the drawings by Butler Design Group, Norwalk, CT dated 3/23/10 be approved subject to the following conditions:**

- 1. All CEAC approvals be submitted; and**
- 2. That no live music or DJ entertainment take place in the facility without approval from the Zoning Commission first; and**
- 3. That no alcoholic beverages be served without approval from the Zoning Commission first; and**

BE IT FURTHER RESOLVED that under Section 118-1220 (L) (1), Parking in Norwalk Center, the additional 9 spaces generated by the increased use, will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of the downtown; and under this proposal; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.
** MOTION PASSED UNANIMOUSLY.**

h. #4-88 SPR –World of Beverage –295 Main Av – Replacement of existing malfunctioning automatic changeable copy sign - Report & recommendation

**** MR. WHITE MOVED: RESOLVED by the Norwalk Zoning Commission that the proposal for a replacement automatic changeable copy sign on a ground sign at the World of Beverage retail store, 295 Main Avenue be APPROVED, with the following conditions:**

1. That the sign would change copy no more than two (2) times per day; and
2. That there would be no animation, video or florescence colors on the sign; and
3. That it would operate only during the hours of 9:00 AM to 10:00 PM, and operate only on those days in which the store is open for business; and
4. That the brightness be restricted to 0.3 foot candle above the ambient light conditions; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**

**** MOTION CARRIED (4-3, MUSHAK, WHITE, HARD OPPOSING).**

i. #2-10MV – Georgetown Subaru – 191 Main/New Canaan Av – Replacement auto sales in existing bldg -Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that application #1-10 MV, submitted by Georgetown Subaru for a replacement auto sales and service center at 191 Main Avenue be **APPROVED** with the following conditions:

1. That four (4) additional street trees of 3” caliper be placed in the planting island along the street frontage; and
2. That any loading or unloading of vehicles from wreckers or flatbed carriers shall be strictly conducted on the subject premises, and not on either street; and
3. That all repairs shall be performed strictly within the building; and
4. That the storage of tow trucks, wreckers and junk vehicles is prohibited; and
5. That all signage shall comply with the sign regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 28, 2010.

**** MS. LIGHT SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

- a. **#1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118- 1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments - Report & recommendation**

**** MS. LIGHTFIELD MOVED: RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118-1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments**" and dated as modified May 13, 2010 be approved.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) **To adopt the revised minimum requirements of the Federal Emergency Management Agency (FEMA) so that the City of Norwalk will remain eligible to participate in the National Flood Insurance Program (NFIP); and**
- 2) **To implement the Plan of Conservation and Development policy to "Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and**

BE IT FURTHER RESOLVED that the effective date of this action be June 18, 2010.

**** MR. MUSHAK SECONDED.**
**** MOTION CARRIED, (6-0-1, LIGHT ABSTAINING).**

VI. APPROVAL OF MINUTES: April 21, 2010

**** MS. LIGHT MOVED TO APPROVE THE MINUTES.**
**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VII. COMMENTS OF DIRECTOR

Mr. Greene confirmed that Larry Bentley had resigned from the Commission.

Mr. Greene pointed out that Mr. Mushak had provided photos of trees that had been “topped.”

VIII. COMMENTS OF COMMISSIONERS

There were none tonight.

IX. ADJOURNMENT

**** MR. HARD MOVED TO ADJOURN.**
**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:30 pm.

Respectfully submitted by Charlene Smith.