

**CITY OF NORWALK  
ZONING COMMISSION  
NOVEMBER 19, 2008**

**PRESENT:** Jackie Lightfield, Chair; Andrea Light; Bob Keyes; Bob Hard; James White; Adam Blank; John Tobin; Larry Bentley; Karen Spencer; Michael Mushak

**STAFF:** Mike Greene; Mike Wrinn; Frank Strauch; John Hayducky

**OTHERS:** Atty. Liz Suchy; Rhonda Keist; Bruce Beinfield; Harris Stallis; Chris D'Angelis; Kevin Carter; Henry Ditman; Lorelee Simon; Lisa DeVingo; Doris Jacoby; Carla Conway; Cynthia Armeho; Doug Adams; Mark Ryan; John Reynolds; Al Raymond; Marie Bryant; Gail Wall; Missy Conrad; Tad Diesel; Edward J. Musante, Jr.; Diane Lauricella; Mark Caralla; Atty. Frank Zullo; Ray Sullivan; Jim Rotondo; Steve Ciarico

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Greene took the roll call.

**III. PUBLIC HEARINGS**

- a. #9-08SP/#25-08CAM – Stepping Stones Museum for Children – 303 West Ave (Mathews Park) – Additions & alterations to existing museum

Ms. Lightfield opened the public hearing.

Atty. Suchy provided the green cards. She gave the background of the property, stating that Stepping Stones Museum wished to expand and that this expansion would be the catalyst for another change for the good of the City; namely, the removal of the police station in Mathews Park. She discussed environmentally features of the property, adding that LEED-certification was a goal. Atty. Suchy also stated that the proposal was vetted by the Planning Commission, the Historical Commission, the Common Council; WPCA, DPW, the Fire Department, and the First Taxing District.

Ms. Rhonda Keist, representing Stepping Stones Museum, gave a PowerPoint presentation and highlighted the current and proposed features of the museum. She presented an aerial photo, showing the existing site, the proposed addition and proposed parking, as well as Devin's Place playground.

Bruce Beinfield, an architect, presented a site plan of Mathews Park, explaining that the new parking area would give visitors a better impression of the Museum and of the City as a whole. He discussed connectivity between the parking area and the museum, pointing out the proposed interactive energy sculptures. Mr. Beinfield also discussed building materials for the structure and gave details of the upper level plan and the multimedia gallery.

Ms. Lightfield asked about square footage, as well as the nature of the resource center. Mr. Beinfield addressed the specifics of square footage, adding that gallery space would be increased by 5,000 square feet. Ms. Keist explained that the resource center would allow for a quieter space for parent-child interactions.

Mr. Beinfield discussed the green features at the site.

Ms. Lightfield asked whether the lease lines went all the way to the playground. Mr. Beinfield indicated the lease line on the parking diagram. Ms. Lightfield pointed out that there was no A/B split indicated on the site plan presented on November 7 and that there was a discrepancy between documents presented by the applicant. There was a discussion of the Common Council resolution.

Mr. Harris Stallis, a landscape architect, discussed storm water concerns and rain gardens on the site, reiterating that

LEED-certification was a goal.

Mr. Chris D'Angelis, a civil engineer, discussed the drainage reports.

Mr. Mushak asked if the calculations had included the parking area. Mr. D'Angelis said yes, adding that it used the existing drainage system. There was a discussion of pervious paving.

Ms. Lightfield asked about seasonal variations as to museum visitors.

Mr. Kevin Carter, the Director of Visitor Experience at Stepping Stones, discussed the data regarding museum visitation. Ms. Lightfield pointed out that the projected increase in visitation went against expert studies concerning museum attendance. A discussion followed, concerning methods of increasing the average stay length of museum visitation.

Mr. Henry Ditman discussed the traffic study with regard to peak hours and levels of service.

Ms. Spencer asked if all traffic would exit at Butler Street. Mr. Ditman said yes.

Mr. Blank asked about the projected increase in the number of cars at the site. Mr. Ditman said that during the peak hour, it would increase from 100 to 140.

Ms. Lightfield opened the hearing to public comment.

Ms. Lorelee Simon spoke in support of the proposal.

Ms. Lisa DeVingo spoke in support of the proposal.

Ms. Doris Jacoby, a member of the family who founded Devin's Place playground, spoke in support of the proposed expansion, discussing the importance of the special needs playground.

Ms. Carla Conway spoke in support of the expansion.

Mr. Doug Adams spoke in support of the proposal, pointing out that the Park itself was critical to strengthen this corridor of the City.

Mr. Cynthia Armeho spoke in support of the expansion.

Mr. Mark Ryan spoke in support of the proposal.

Mr. John Reynolds spoke in support of the proposal.

Mr. Al Raymond spoke against the proposed expansion, discussing his opposition to the taking of any park land. He requested that the Commission grant a special permit for the building permit, but not to allow an expansion of parking.

Ms. Marie Bryant, speaking for the Norwalk Preservation Society, also stated that her main concern was parking expansion on the site. She emphasized that the removal of the police station should be an integral part of the proposal. She also discussed the importance of the Lockwood Mansion.

Ms. Gail Wall also discussed the importance of the Lockwood Mansion as an historical property. She encouraged the applicant to consider another site, if it were to expand again in the next 5 to 10 years.

Ms. Missy Conrad stated her concern with the absence of the Common Council's resolution at tonight's meeting. She also addressed concerns about park land on the site, as well as comments by the applicant regarding peak hours and the notion of a 25-year storm.

Mr. Tad Diesel spoke in support of the proposal.

Mr. Edward J. Musante, Jr., with the Chamber of Commerce, also spoke in favor of the proposal.

Ms. Diane Lauricella, speaking as the President of the League of Women Voters, discussed concerns with park preservation and the creation of more parking lots in the City.

Mr. Mark Caralla, also discussed concerns with the loss of green space in Mathews Park, pointing out that tennis courts near his own home had also been removed to accommodate a parking lot.

Mr. Ditman addressed Ms. Conrad's concerns about Saturday peak hours at the museum.

Mr. D'Angelis discussed MS. Conrad's concern about the 25-year storm determination.

Mr. Beinfield addressed concerns about the diminished park area, adding that Mathews Park was adjacent to other parks and could be accessed by crossing a street. Ms. Lightfield commented that to do so, a pedestrian would need to cross railroad tracks and go under a highway.

Atty. Suchy discussed Mathews Park's landmark status, emphasizing that none of the proposed activity would be in the national landmark area. She reiterated that the proposal would also be a catalyst to remove the police station from the Park. She also pointed out that the increase in the footprint of the museum does not make Mathews Park any less of a park. Atty. Suchy also addressed Mr. Caralla's concern about loss of tennis courts for parking spaces, stating that that was a Board of Education decision and reflected necessary compromises.

Ms. Lightfield asked how many days a year the museum was open. Atty. Suchy said 320 days.

MS. Lightfield asked if Stepping Stones had any land acquisition costs. Atty. Suchy said no.

Mr. Blank asked if valet parking had been considered for the site. Atty. Suchy said no.

Ms. Light asked about parking for Devon's Place playground. Mr. D'Angelis pointed it out on the map.

Ms. Light asked why museum employees could not park in the far lot to free up more spaces closer to the museum. Mr. Beinfield discussed the idea briefly.

Ms. Lightfield closed the public hearing.

- b. #10-08SP – STLJ LLC & 100 Westport Av LLC – 80, 100 & 125 Westport Av – 16,000 sq. ft. addition to Stew Leonard's

Ms. Lightfield opened the public hearing.

Atty. Zullo showed a photo of the store and discussed the intention to remove outside structures and bring all uses inside the store. He turned in the green cards.

Mr. Ray Sullivan, an architect, explained that the proposal had two main goals. The first goal was to enhance the front of the store to be consistent with other Stew Leonard stores. The second goal was to make the front door more visible, as it was obscured by other structures currently. He described the proposal's details.

Mr. Hard asked for clarification of the parking spaces. Mr. Sullivan said that 462 spaces were required, and that the applicant provided 539.

Mr. Sullivan said that there would be an increase of 5,000 square feet of retail area.

Mr. Hard asked if the concept were to get customers to pay more by providing more goods and services or whether the idea was to draw in more customers. Mr. Sullivan said that there was no anticipation of a significant increase in the number of customers. He discussed the quality of the store and the shopping experience.

Mr. Mushak described an incident that he had recently witnessed in the store's parking lot, involving a car striking a shopping cart, which then struck a customer's car. He emphasized the need for pedestrian safety to be increased at the store.

Mr. Blank pointed out that a curb, such as those at Stop & Shop stores, would diminish the likelihood of customers

exiting the store and going every which way.

The Commission discussed pedestrian safety at the site. Ms. Lightfield strongly recommended that pedestrian safety be revisited on this application.

Atty. Zullo said that Mr. Leonard would in all likelihood support any conditions that increased customer safety.

Mr. Jim Rotondo discussed drainage at the site. Ms. Lightfield asked if the pipes would be moved so that they were not under the building. Mr. Rotondo said yes.

Ms. Lightfield pointed out that there was a referral from DPW, including a signoff on drainage.

Mr. Ditman discussed traffic use characteristics at the site, stating that additional retail would generate additional traffic. He said that a 14% increase was anticipated in retail, which would correspond to a 14% increase in traffic. He discussed the data.

Ms. Spencer asked for clarification of Friday and Saturday peak hours. Mr. Ditman corrected an earlier misstatement. Atty. Zullo said that the applicant met all requirements for a Special Permit and that the addition would have no adverse impact on the neighborhood. He read two letters from neighbors supporting the proposal.

Ms. Lightfield opened the hearing to public comment.

Ms. Diane Lauricella stated that she implored the applicant to include more conditions for a green plan, including a green roof, porous or pervious pavement, rain gardens, alternative energy, filters and catch basins and a dark-skies initiative.

Mr. Steve Ciarico spoke in opposition to the proposal, commenting that his property abutted Stew Leonard's and that the loading dock area generated excessive noise in the early morning hours.

Ms. Missy Conrad expressed concern about litter being generated at the site.

Mr. Tad Diesel spoke in support of the application.

Mr. Edward J. Musante, Jr. spoke in support of the proposal. He addressed the concerns about traffic increases, stating that Norwalk was a vibrant place and that traffic sometimes was a positive sign.

Atty. Zullo addressed Ms. Lauricella's concerns.

Mr. Sullivan also spoke to concerns about a "green plan." He said that the applicant had examined an energy-efficient lighting design and also that 80% of the steel frame was from recycled materials.

Atty. Zullo stated that he would examine Mr. Ciarico's concerns about noise pollution and light pollution at the site.

Atty. Zullo spoke to Ms. Conrad's concerns about litter at the site.

Atty. Zullo also discussed the challenges of presented by strip-zoning in Norwalk.

Ms. Lightfield closed the public hearing.

c. #12-08SP – 18 Pearl Street LLC – 18 Pearl Street – Proposed warehouse use for Westport Country Playhouse

Ms. Lightfield opened the public hearing.

Atty. Suchy turned in the green cards and gave background about the proposal. She emphasized that the use would be purely warehouse and that the applicant anticipated very little traffic impact.

Ms. Lightfield closed the public hearing.

d. #2-08M – Zoning Commission – North Avenue/Knight & High Sts - Proposed Changes to the Building Zone

Map from Industrial #1 to Neighborhood Business

Ms. Lightfield opened the public hearing.

Ms. Light read a referral from Dori Wilson and a referral from Marcy Balint, both supporting the proposal.

Mr. Greene showed a map, indicating the change from Industrial 1 to Neighborhood Business. He explained that the change would help to eliminate uses that were deleterious to the neighborhood.

Ms. Diane Lauricella spoke in favor of the zone change.

Atty. Zullo discussed his concern regarding the value of land, when flexibility of use is diminished. He said that mixed-development use would be more flexible and beneficial. He asked the Commission to deny the proposal or to make the revisions he suggested.

There was a discussion concerning uses of the property in the zone.

Ms. Lightfield closed the public hearing.

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

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

III.A) #9-08SP/#25-08CAM—Stepping Stones

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

III.B) #10-08SP—Stew Leonard's

- \*\* **MR. WHITE MOVED: RESOLVED that application #10-08SP, submitted by STLJ, LLC, 100 Westport Avenue, Norwalk, CT and 100 Westport Avenue LLC, 100 Westport Avenue, Norwalk, CT, for a two-story addition for a new main entrance, retail space and office and support space above, as shown on plans by Rotondo Engineering, LLC, Shelton CT, entitled "Proposed Building Addition, Stew Leonard's, 100 Westport Avenue, dated 09/10/08, revised to 10/01/08 be APPROVED with the following conditions:**
  1. That all required CEAC signoffs are submitted; and
  2. That all required sedimentation and erosion controls be in place prior to any disturbance of the site; and
  3. That any additional needed soil and erosion controls be installed at the direction of the staff; and
  4. That any graffiti on the site, now or in the future, be removed immediately; and
  5. That a Certificate of Special Permit and a mylar be file on the Land Records; and
  6. That a maintenance plan be submitted for the drainage system; and
  7. That the landscaping plan conform to the approved site plan; and

**BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-522, Business #2 and 118-1450, Special Permits; and**

**BE IT FURTHER RESOLVED that the effective date of this approval shall be November 28, 2008.**

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

III.C) #12-08SP—Westport Country Playhouse

- \*\* **MR. WHITE MOVED: RESOLVED that application #12-08 SP submitted by Westport Country Playhouse c/o 18 Pearl Street, LLC, for a warehouse use at 18 Pearl Street, as shown on plans by Achilles Architects, Bridgeport, CT, dated 10-9-06, revised to 5-10-2007 by Staff be APPROVED with the following**

conditions:

1. That none of the Westport Country Playhouse's sets, costumes, lighting, props, makeup and other miscellaneous items be stored outside; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all signage, existing and proposed, comply with the zoning regulations; and
4. That any changes to the plan be reviewed and approved by staff prior to those changes be implemented; and

**BE IT FURTHER RESOLVED** that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-522, Business No. 2 Zone and Section 118-1450, Special Permits; and;

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 28, 2008.

**\*\* MS. LIGHT SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- b. #6-05SP – BG Development Co, LLC – Highland/Bluff Ave – 12 unit conservation development – Request for release of surety – Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that application #6-05SP/6-05CAM, BG Development Co., Inc., for the construction of a 12 unit conservation Development at 26, 30 Highland Avenue (now known as Harbor Bluff) have the remaining surety released, as all the required improvements have been completed and are in good condition; and

**BE IT FURTHER RESOLVED** that a 15% maintenance surety be retained for a period of one year to guarantee the continued acceptable condition of the required improvements.

**\*\* MS. LIGHTFIELD SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- c. #8-07SP – 18 Pearl Street LLC – 18 Pearl Street – Proposed warehouse use - Request for release of surety – Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that the request to release the maintenance surety held on Special Permit #8-07SP—18 Pearl Street LLC—18 Pearl Street—Proposed warehouse—Request of surety be **APPROVED** as the required improvements have been properly installed; and

**BE IT FURTHER RESOLVED** that a one (1) year, 15% maintenance surety be submitted/retained to guarantee satisfactory performance of the required improvements; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 28, 2008.

**\*\* MS. LIGHTFIELD SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

## **V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR**

- a. Action on Item III d.

**\*\* MR. KEYES MOVED: RESOLVED** that the proposed changes to the Building Zone Map as shown on a certain document entitled "#2-08M - Zoning Commission - North Avenue/Knight & High Streets (U.S. Route 1) - Proposed Change to the Building Zone Map from Industrial #1 to Neighborhood Business" and dated August 25, 2008, affecting property located in the First Taxing District, Block 66, Lots 35 and 36; Block 67, Lots 9, 10 and 18; and Block 68, Lots 6, 8, 19 and 26 and adjacent portions of the public ROW and the Betts Pond Brook, be approved.

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

- 1) To implement the Plan of Conservation and Development policy to "Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of office and multifamily residential uses, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods" (A.5.1.1 p.13); and
- 2) To implement the Plan of Conservation and Development policy to "Preserve the character of neighborhood businesses and neighborhood businesses districts" (A.4.1.4, p.13); and

3) To implement the Plan of Conservation and Development policy to "Preserve and enhance the character of Norwalk (A.1.1.4, p. 10) and to implement the recommendations of the Westport-North-Main Corridor Study (E.3.1.11, p. 31); and  
BE IT FURTHER RESOLVED that the effective date of this action be November 28, 2008.

- \*\* MS. LIGHT SECONDED.
- \*\* MR. WHITE OPPOSED.
- \*\* MOTION CARRIED.

b. #6-08R - Zoning Commission – Proposed amendment regarding fee-in-lieu of parking regulation – Report & recommendation

\*\* MR. KEYES MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#6-08R - Zoning Commission - Proposed amendments to Section 118-1222 regarding Payment in Lieu of Parking" and dated May 29, 2008 as revised to November 5, 2008, be approved;

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

1) To implement the Plan of Conservation and Development goal to "Expand the public parking supply, including the building of new parking garages in Norwalk's downtowns including Main and High Streets, Isaac's Street (mixed-use), Webster Street, Washington Street, and on public land off Water Street in South Norwalk" (E.5.1.1 p. 39); and

2) To implement the Plan of Conservation and Development goal to "Support continued use of fee-in-lieu of parking in the Wall Street area and in South Norwalk" (E.5.1.6, p. 39); and

BE IT FURTHER RESOLVED that the effective date of this action be November 28, 2008.

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

VI. APPROVAL OF MINUTES: October 15 and 28, 2008

- \*\* MS. LIGHT MOVED TO APPROVE THE MINUTES.
- \*\* MS. LIGHTFIELD SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

VII. ANNUAL MEETING SCHEDULE: Adoption of 2009 Meeting schedule

- \*\* MS. LIGHT MOVED TO ACCEPT TO MEETING SCHEDULE FOR 2009.
- \*\* MS. LIGHTFIELD SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

VIII. COMMENTS OF DIRECTOR

There were none tonight.

IX. COMMENTS OF COMMISSIONERS

There was a brief discussion of the upcoming Holiday Party.

X. ADJOURNMENT

- \*\* MS. LIGHTFIELD MOVED TO ADJOURN.
- \*\* MS. LIGHT SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 12:03 a.m.

Respectfully submitted by Charlene Smith