

**CITY OF NORWALK  
ZONING COMMISSION  
DECEMBER 17, 2008**

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

**STAFF:** Mike Greene; Brenda Hrtanek; Mike Wrinn

**OTHERS:** Atty. John Bove; Wayne Jacobson; Henry Ditman; Michael Kennedy; Atty. Liz Suchy; Ray Sullivan; Don Straight; Dean Martin; Al Raymond; Roger Wechter; Andrew Wasala; Bob Schechinger; Tony Agam

**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 HEARINGS**

- a. #14-08SP – WenConn Corp – 149 Westport Avenue – Wendy’s Restaurant

Ms. Lightfield opened the public hearing.

Atty. Bove turned in the green cards and described the property, stating that it currently housed a commercial shopping plaza.

Mr. Jacobson, an engineer, described the ingress and egress at the site. He added that the parking was adequate and that utilities would be tied in. He briefly discussed the grease traps and drainage at the site. Mr. Jacobson reiterated that the restaurant would be open from 10 a.m. to midnight, 7 days a week.

Ms. Lightfield asked where the dumpsters would go. Mr. Jacobson said that they would be in an enclosure behind the restaurant.

Mr. Mushak asked about lighting additions. Mr. Jacobson described the poles and hardware, stating that the main use of the property would still determine lighting.

There was a discussion of delivery trucks on the property. Mr. Jacobson said that deliveries would be scheduled between 12 and 4 am.

Mr. Ditman discussed the traffic study, which he said had been conducted prior to the proposal to expand nearby Stew Leonard’s. He presented an addendum letter, dated November 2, 2008 that analyzed Stew Leonard’s, as well. Mr. Ditman discussed peak hours at the site. He also recommended a two-lane egress from the site.

There was a discussion of crosswalks, particularly with relation to the nearby retirement home. Ms. Lightfield asked about expectations of pedestrian vs. car traffic. Mr. Ditman said that it had not been studied and agreed to look into it. Commissioner Spencer asked about the percentage of drive-through traffic vs. walk-in traffic. Mr. Ditman said it was expected to be about 60% drive-through traffic.

There was a brief discussion of handicapped parking.

Mr. Jacobson presented samples of the proposed building materials.

Ms. Lightfield opened the hearing to public comment.

Mr. Kennedy, the president of Kingsway retirement home, stated his opposition to the expansion, explaining that the noise from trucks and the exhaust from the grill would disturb people living nearby.

Ms. Light asked if the restaurant could be considered an amenity to Kingsway. Mr. Kennedy said that the residents, whose average age is 83, used Stew Leonard's a great deal, but would be unlikely to use Wendy's. Mr. Mushak asked what percentage of the residents had cars. Mr. Kennedy said it was a high percentage and that their lot was "packed."

Mr. Jacobson addressed Mr. Kennedy's concerns, adding that the impact of the property would not be large, considering the already highly commercial nature of the Post Road area.

Commissioner Spencer asked how long construction would take. Mr. Jacobson said 3 to 4 months.

Ms. Lightfield asked about additional bushes and trees for screening. Mr. Bove agreed to consider the additional screening.

There was a discussion of the schedule of pick-up for dumpsters on the site.

Mr. White commented that excessive screening might compromise the visibility of the property's signage. A brief discussion of signage followed.

Ms. Lightfield closed the public hearing.

- b. #15-08SP – AG Phase I, LLC – Summer St/West Main St – 13 residential units

This item was considered together with Item c.

- c. #16-08SP – AG Phase I, LLC – Summer St/West Main St – 32 residential units

Ms. Lightfield opened the public hearing.

Atty. Suchy agreed to have Items b. and c. considered together.

Atty. Suchy gave background concerning the property. She said that the group of 32 units was contained in 10 separate buildings and that the group of 13 units was contained in 4 buildings. She added that the applicant owned two adjacent parcels that were not under review currently. Atty. Suchy described trash pick-up at the site and discussed workforce housing in some of the units.

Mr. Sullivan, an architect, described the layout of the properties, adding that the units were designed with D-residence regulations and constructed with a bolder style architecture to help fit in with the surrounding neighborhood. He said that parking would be behind and underneath the units and that porches would be added. Mr. Sullivan also said that each site would contain an elevator for handicapped use. Mr. White asked about the passenger and moving capacity of the elevator.

Mr. Straight, a landscape architect, discussed the landscape plan.

Mr. Mushak asked about the lighting plan. Mr. Sullivan addressed his concerns.

Mr. Martin, the project engineer, described drainage and storm water on the property.

Atty. Suchy clarified that the traffic study had been conducted for all 63 units. Mr. Ditman reiterated that although only two of the four sites were under consideration at this hearing, he would discuss the traffic impact of all four sites. He said that the study had looked at current traffic, as well as future projected traffic. He added that the property would not be a high-volume traffic generator. Mr. Ditman discussed peak hours and levels of service.

Ms. Lightfield opened the hearing to public comment.

Mr. Raymond, speaking on behalf of Christine Abrahams, stated that Ms. Abrahams was in support of the proposal.

Mr. Wechter, 16 West Main Street, spoke in support of the proposal, adding that the proposal looked good and that the area needed more rentals.

Mr. Wasala thanked the neighbors and the Commission for coming out and for considering the proposal.

Atty. Suchy read a letter from Ms. Abrahams.

Ms. Lightfield closed the public hearing.

- d. #13-08SP/#26-08CAM – Shorehaven Golf Course – 14 Canfield Ave – Maintenance facility renovation & expansion

Ms. Lightfield opened the public hearing.

Mr. Schechinger described the proposal and addressed parking at the site.

Ms. Lightfield opened the hearing to public comment.

Ms. Spencer, 19 Pine Hill Road, described her concerns with the proposal. She added that the applicant had not kept club members informed about the proposal. She stated her objections to the apartments that had been put in on the property in the past and to the impact the proposal would have on the vista of neighboring houses. Mr. Tobin asked Ms. Spencer to clarify the information she had received, as a club member. Ms. Spencer gave details.

Mr. Agam spoke in opposition to the expansion, stating that he objected to a “huge shed” being built right in front of his house.

Mr. Schechinger stated that although he could not comment on the internal distribution of information within the club, he emphasized that the shed was made to blend into the area and that the applicant had done a diligent job of maintaining trees and screening on the property.

Mr. Tobin asked about notification of neighbors. Mr. Greene said that all adjoining property owners and those across the street had been notified of the proposal. Mr. Greene elucidated the nature of public view and private view.

Mr. Mushak asked if the addition of trees would alleviate the concern of neighbors. Mr. Schechinger said no, because the grade is too different.

Ms. Lightfield closed the public hearing.

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

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

III.a) #14-08SP—WenConn Corp—149 Westport Avenue—Wendy’s Restaurant

**\*\* MR. WHITE MOVED: RESOLVED that application # 14-08SP submitted by the WenConn Corp for construction of a 1 story Wendy’s restaurant with drive-thru window at 149 Westport Avenue, as shown on various plans by Spath-Bjorklund Associates, Inc, Engineers and Surveyors, Monroe, CT 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 painted crosswalk be installed across the ingress-egress driveway; and**
- 6. That a entrance sidewalk be installed along the east side of the entrance driveway; and**
- 7. That the garbage pick-up for the Wendy’s restaurant shall be done during daytime hours; and**
- 8. That 2 (two) additional street trees be installed in front of the Wendy’s building to provide additional screening; 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 December 26, 2008.**

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

III.b) #15-08SP—AG Phase I, LLC—Summer St/West Main St—13 residential units

**\*\* MR. WHITE MOVED: RESOLVED that application # 15-08SP submitted by AG Phase I, LLC for construction of a 8 unit residential multifamily project at Summer Street / West Main Street as shown on various plans by The Sullivan Architectural Group, Norwalk, CT, as updated and plans by Grumman Engineering, LLC, Norwalk, 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 the landscaping plan be revised to vary the mix of street trees; and

**BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-360, "D" residential zone and 118-1450, Special Permits; and**

**BE IT FURTHER RESOLVED that the effective date of this approval shall be December 26, 2008.**

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

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

III.c) #16-08SP—AG Phase I, LLC—Summer St/West Main St—32 residential units

**\*\* MR. WHITE MOVED: RESOLVED that application # 16-08SP submitted by AG Phase I, LLC for construction of a 32 unit residential multifamily project at Summer Street / West Main Street as shown on various plans by The Sullivan Architectural Group, Norwalk, CT, as updated and plans by Grumman Engineering, LLC, Norwalk, 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 the landscaping plan be revised to vary the mix of street trees; and

**BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-360, "D" residential zone and 118-1450, Special Permits; and**

**BE IT FURTHER RESOLVED that the effective date of this approval shall be December 26, 2008.**

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

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

III.d) #13-08SP/#26-08—Shorehaven Golf Course—14 Canfield Ave—Maintenance facility renovation & expansion

**\*\* MR. WHITE MOVED: RESOLVED that application #13-08SP and #26-08CAM, submitted by Robert C. Schechinger, JR., ASLA, for Shorehaven Golf Course for a maintenance facility renovation & expansion and as shown on various plans by Robert C. Schechinger, Jr., ASLA, 45 Canal Street, Collinsville, CT, and architectural plans D.L. Chandler, 111 Saint Monica's Avenue, Hartford, CT be APPROVED with the following conditions:**

1. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
2. 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
3. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
4. That all parking spaces in the garages be clear and free from any obstructions to 8'-0" from the garage floor; and
5. That all signage, existing and proposed, comply with zoning regulations; and

6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That any changes to the plan be reviewed and approved prior to those changes being implemented; and

**BE IT FURTHER RESOLVED THAT** reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, Section 118-310, AAA residential zone, Section 118-1450, Special Permits, and Section 118-1110 Coastal Zone; 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 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 December 26, 2008.

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

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

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

Ms. Light pointed out the waiver of the off-street parking requirement. Ms. Lightfield stated that the Commission would need a new site plan to add parking in the leased area in two years.

**\*\* MR. WHITE MOVED: RESOLVED** that application #9-08SP/#25-08CAM, submitted Stepping Stones Museum for Children, Inc., for additions and alterations to existing museum and as shown on various site and architectural plans by Beinfield Architecture, Norwalk, CT and BSC Group, Glastonbury, CT be APPROVED with the following conditions:

1. That a surety, in an amount to be determined by staff, shall be submitted to guarantee the installation of the required improvements; and
2. That the application be modified to delete the construction of the proposed parking lot (in the extended lease area) and waive the parking requirement per Section 118-1221; 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 all HVAC units shall be located in conformance with the applicable zoning setbacks; and
6. That all signage, existing and proposed, comply with the zoning regulations; and
7. That any graffiti on the site, now or in the future, be removed immediately; and

**BE IT FURTHER RESOLVED THAT** reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, Section 118-310, AAA and Section 118-1450, Special Permits; Section 118-1110 Coastal Zone; 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 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 December 26, 2008.

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

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

- c. #1-07SPR – Silvermine Development Co. LLC – 22 Oakwood Ave – 11 unit multifamily development – Request for one year extension of approval time (2nd request) – Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that the request for a one year extension of approval time for site plan application #1-07SPR - Silvermine Development Co, LLC - 22 Oakwood Avenue - to construct an 11 unit multifamily development as shown on various plans by ADA Architects dated March 22, 2007 as revised to April 9, 2007 and by Grumman Engineering LLC dated revised to March 6, 2007, be approved, subject to the following conditions:

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1. That the original conditions of approval remain in effect; and
2. That the new approval deadline for obtaining permits will be March 31, 2010; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **December 26, 2008**.

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

- d. #31-07CAM – Borman – 126 Wilson Avenue – Construction of single family residence - Request for one year extension of approval time (1st request) - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** by the Norwalk Zoning Commission that the approval time on #31-07CAM—Borman—126 Wilson Avenue be **APPROVED** for an extension of a period of 365 days; and

**BE IT FURTHER RESOLVED** that the new deadline is **December 21, 2009**; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be **December 26, 2008**.

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

- e. #9-06SP - 110 Richards Avenue, LLC – 110 Richards Avenue (TransLux) – Rehabilitation & addition to existing bldg to convert from mfg/office to all office - Request for one year extension of approval time (2nd request) - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that the request for a one year extension of time for special permit #9-06SP - 110 Richards Avenue, LLC - 110 Richards Avenue - Renovations and addition to 110 Richards Avenue for a 116,200 sq ft office building as shown on various plans by Telfer-Palmquist Architects dated January 10, 2007 as revised to February 9, 2007, 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 2, 2010; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **December 26, 2008**.

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

- f. #12-06SPR - Gault Oil Co (CVS Pharmacy) - 6 Willard Rd – Retail building – Request for release of surety - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that the maintenance surety be release on SPR #12-06, submitted by Gault Oil Co., 6 Willard Road for the construction of a 14,400 square foot one-story retail building; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be **December 26, 2008**.

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

- g. #8-08SPR – Tomas Associates, LLC – 349 Main Ave – Mixed use development with 6 units & 3,700 sq. ft. retail - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that application # 8-08SPR submitted by Tomas Associates, LLC for construction of a mixed use development of 7 residential units and 3,700 SF of retail at 349 Main Avenue, as shown on various plans by Grumman Engineering, Norwalk, Ct and by ADA Architects, Norwalk, CT 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 the street trees be of a high branched type, so as to have the lowest branches at least 4 ‘ above the ground to prevent any possibility of blocking sight lines; and

**BE IT FURTHER RESOLVED** that in accordance with Section 118-750 of the Building Zone Regulations of the City of Norwalk a 9.8% waiver of the Floor Area Ratio (FAR) be allowed in order to allow a 7<sup>th</sup> residential unit in the ½ story; 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 118-1451, Site Plan Review and 118-750, Mixed-use Developments; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be December 26, 2008.

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

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

h. #27-08CAM – Benjamin Cherner – 3 Outer Road – Construction of a single-family residence - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that application #27-08CAM, construction of a single-family residence for the property 3 Outer Road, and as shown on the site plans and architectural drawings plan by Cherner Design dated November 18, 2008, 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 December 26, 2008.

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

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

i. #9-05SP – Petrucci Builders, LLC – Blue Mountain Road – 7 unit Conservation Development – Release of surety - Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that the surety submitted for Special Permit # 9-05, submitted by Petrucci Builders, LLC, for the construction of a 7 unit Conservation Development at 1-3 Blue Mountain Road, as shown on various plans by Grumman Engineering, LLC, entitled “Blue Mountain Common, 3 Blue Mountain Road, Norwalk, Ct be reduced by 50%, as the remaining work to be completed is covered by the remaining surety.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be December 26, 2008.

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

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

j. #5-08MV – 18 Pearl Street – The Shop, LLC – Motor Vehicle Repairers License – Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED** that application #04-08MV, submitted by AC Auto Body, New Canaan, CT for auto body and repair at 76 Connecticut Avenue, be APPROVED with the following conditions (the same conditions as the previous tenant):

1. That there be no commercial towing/storage operation conducted on the site; and
2. That all repairs are to be conducted within the building; and
3. That there be no outdoor storage of parts or auto carcasses; and
4. That there be no on-street storage of vehicles; and
5. That the hours of operation are from Monday to Friday, 8 a.m. to 6 p.m., and on Saturdays from 8 a.m. to 4 p.m. and closed Sundays; and
6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That all signage, existing and proposed, comply with the zoning regulations; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be December 26, 2008.

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

k. #28-08CAM – McDonagh – 11 Sylvester Court – Additions to single family residence– Preliminary review– Report & recommendation

**\*\* MR. WHITE MOVED: RESOLVED that application #28-08CAM, construction of a single-family residence for the property 11 Sylvester Court, and as shown on the site plan by Walter H. Skidd, CT surveyor, License 14663, dated July 21, 2008 and amended to December 1, 2008 and architectural drawings plan by Lillian Wolfe, designer, and stamped by David E. Seymour, CT licensed engineer #11761 dated August 15, 2008, 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 his proposal complies with all applicable coastal resource and use policies.**

**BE IT FURTHER RESOLVED that the effective date of this approval shall be December 26, 2008.**

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

**V. APPROVAL OF MINUTES:** November 19, 2008

**\*\* MS. LIGHT MADE A MOTION TO APPROVE THE MINUTES.**  
**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**VI. COMMENTS OF DIRECTOR**

Mr. Greene stated that he was expecting an opinion from Corporation counsel this week concerning 166 Glover Avenue.

**VII. COMMENTS OF COMMISSIONERS**

There were none tonight.

**VIII. ADJOURNMENT**

**\*\* MS. LIGHTFIELD MADE A MOTION TO ADJOURN.**  
**\*\* MS. LIGHT SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:30 pm.

Respectfully submitted by Charlene Smith.