

**CITY OF NORWALK  
ZONING COMMISSION  
FEBRUARY 16, 2011**

**PRESENT:** Joseph Santo, Chair; David McCarthy; Michael Mushak; Adam Blank (arrived after the roll call); Emily Wilson; Michael O'Reilly; James White; Jill Jacobson

**STAFF:** Michael Greene; Brenda Hrtanek

**OTHERS:** Derick DeMarche

**I. CALL TO ORDER**

Joseph Santo called the meeting to order at 7:32 p.m.

**II. ROLL CALL**

Mr. Greene took the roll call.

Before the public hearings, Mr. Santo made mention of the passing of a former Zoning Commissioner, Don Millar, who was on the commission from 1993-1998.

**III. PUBLIC HEARINGS**

**a. #15-10R – Zoning Commission – Proposed amendments to permit ground signs on small lots in Neighborhood Business zones**

Mr. Santo opened the public hearing. Mr. Greene discussed how this amendment would allow businesses the option of a ground sign instead of a wall sign. It would be an either or situation. The idea for a ground sign was discussed by the Planning and Zoning Department after a zoning inspector found it was a violation. Mr. McCarthy summarized the comments from the Planning Commission, CAM, the Harbor Management Commission and the Town of Westport. Mr. McCarthy thought the amendment was a good compromise to the wall signs.

Mr. Santo closed the public hearing.

**b. #16-10R – Zoning Commission – Proposed amendments to Article 121 to delete changeable copy sign (automatic) regulations**

Mr. Santo opened the public hearing. Mr. Greene noted that there was a report in the record. He discussed how the commission believed this amendment was necessary because there were also safety and aesthetic issues in connection with the changeable copy signs. Lastly, there were way-finding issues which would distract drivers. Changeable copy signs have never been allowed for billboards and this amendment would not change it. Mr. McCarthy summarized the comments from the Planning Commission, CAM, the Harbor Management Commission, SWRPA and the Town of Westport. The Planning Commission recommended denial of the amendment and suggested comments requesting that the Zoning Commission adopt more restrictive requirements for the signs. The commissioners discussed the amendment further

especially in connection with the Planning Commission's comments. Derek Marsh, a former Zoning Commissioner, agreed with the Zoning Commission that automatic changeable signs should be eliminated. Mr. Santo asked if there was anyone wanting to speak on this proposal.

Derick DeMarche said that he agreed with the proposal to delete regulations permitting automatic changeable copy signs.

Mr. Santo closed the public hearing.

**c. #17-10R – Zoning Commission – Proposed amendments to Articles 10 & 30 to require special permit for athletic field lighting and audio systems**

Mr. Santo opened the public hearing. Mr. Greene noted that the commission would have input on these types of uses. Mr. McCarthy summarized the comments from the Planning Commission, CAM, the Harbor Management Commission, SWRPA and the Town of Westport. Mr. Blank wanted the language to be clear that this was for outdoor lighting only. There was a discussion amongst the commissioners as to revising the language in the proposed amendment regarding when the lights would be turned off. Mr. Marsh suggested language as well to change the proposed amendment. There was also a discussion about whether this amendment would create a burden to the Parks and Recreation Dept. Mr. Santo asked if there was anyone wanting to speak on this proposal.

Derick DeMarche said that he felt that the situation they have now is fine.

Mr. Santo closed the public hearing.

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

**a. #1-11CAM – Greenberg – 22 Shorehaven Road – Construction of single family residence – Report & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED that application #1-11 CAM, construction of a single-family residence for the property 22 Shorehaven Road, and as shown on the site plans titled "Zoning Map of Property for M.G. Builders, Inc., 22 Shorehaven Road, Scale 1"=10', Date: March 22, 2010 and Revised to January 10, 2011" by Dennis A. Delius, Land Surveyor, Norwalk, CT, Lic. No 6396 AND on the site development plan by Land-Tech Consultants, Westport, CT, dated August 12, 2010 and revised to January 13, 2011 AND on the architectural drawings plan by Michael Greenberg & Associates, no original date, and Revised to December 15, 2010" by James R Millward, CT Lic. No. 4781 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 February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**b. #2-11CAM – Hinnant – 57 Rowayton Av – Addition to single family residence – Rpt & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED** that application #2-11 CAM, construction of a single-family residence for the property 57 Rowayton Avenue and as shown on the site plans titled "Zoning Location Survey # 57 Rowayton Avenue prepared for Charles A. Hinnant, Norwalk, CT, Scale 1"=10", Date: December 20, 2007 and Revised to September 27, 2010" by Jeffrey W. McDougal, Land Surveyor, Norwalk, CT, Lic. No 70090 AND on the architectural drawings by Homes by David Chute, Norwalk , CT, dated January 28, 2011" 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 February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. BLANK VOTED AS AN ALTERNATE.)**

**c. #12-10SP/#15-10CAM – Hillside Plaza (The Avrck) – 14-16 N. Main St - Request to modify plans to revise uses from 12 units w/2 workforce units on 2nd & 3rd floors to office on 2nd floor and 8 units w/1workforce unit on 3rd floor – Report & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED** that the request to modify the approved plan for special permit application #12-10SP/#15-10CAM – Hillside Plaza LLC – 14-16 North Main St to permit conversion of upper floors to 8,305 sq. ft. office and 8 multifamily units (including 1 workforce housing unit) as shown on a set of plans entitled "Alterations to existing Avrck Building – 14-16 North Main Street" prepared by Lyle Fishell, Architect and dated September 17, 2010 as revised to February 8, 2011 be APPROVED, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
2. That any additional changes to the approved plans be submitted to the Zoning Commission for review and approval; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**d. #13-10SP/#17-10CAM – Norwalk Inn & Conference Ctr – 93-99 East Av – Request to modify approved plans to eliminate retaining walls, reconfigure rear parking area, revise drainage system to replace rain gardens with underground retention system & modify landscape plan – Report & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED** that the request to modify the approved plan for special permit application #13-10SP/#17-10CAM – Norwalk Inn & Conference Center – 93 - 99 East Avenue – Third story, 37 room addition to existing hotel at 99 East Avenue and conversion of existing rooming house at 93 East Avenue to 7 hotel rooms with kitchen and related site improvements as shown on a set of plans entitled "Norwalk Inn 93-99 East Avenue" prepared by Jozsef Solta Architects, Peter F. Alexander, Landscape Architect and Joseph Risoli, P.E. and dated as revised to October 15, 2010 be modified as shown on a set of plans by Fairfield County Engineering LLC dated January 31, 2011 be **APPROVED**, subject to the following conditions:

- 1) That the original conditions of approval remain in effect; and
- 2) That any additional changes to the approved plans be submitted to the Zoning Commission for review and approval; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY. MR. SANTO ABSTAINED. (MR. O'REILLY AND MR. BLANK VOTED AS ALTERNATES.)**

**e. #2-03SP/#6-03CAM City of Norwalk - Calf Pasture Beach Rd – Full service restaurant– Request for 1year extension of approval time – Report & recommendation**

**\*\*MR. WHITE 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, 2012; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. BLANK VOTED AS AN ALTERNATE.)**

**f. #1-07SPR – 34 Oakwood Av Assoc – 22 Oakwood Av – 11 units – Request for 1 year extension of approval time – Report & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application #1-07SPR by 34 Oakwood Avenue Associates, LLC for the property located at 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:

1. That the original conditions of approval remain in effect; and
2. That the new approval deadline for obtaining permits will be March 31, 2012; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 25, 2011.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**g. DEP/USACE - Village Creek Harbor Corp – Dredge, reconfigure & install floats for recreation boating access in Village Creek – Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200401046-SJ – Village Creek Harbor Corp. – Proposal to dredge, reconfigure and install floats for recreation boating access in Village Creek:

1. That the floats in Village Creek be used for residential recreational boating access only.
2. That this proposal is consistent with coastal resource and use polices.

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. BLANK VOTED AS AN ALTERNATE.)**

**h. DEP/USACE – 65 Rowayton Ave – Proposal to retain a deck section on a bulkhead for public access – Report & recommendation**

**\*\*MR. WHITE MOVED: BE IT RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #201005851-SJ – 65 Rowayton Avenue – Proposal to retain a deck section on a bulkhead for public access:**

- 1. That the Commission supports water-dependent uses, such as the construction and continued use of public accessways.**
- 2. That this proposal is consistent with coastal resource and use polices.**

**\*\* MR. MCCARTHY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**V. REPORT OF ZONING COMMITTEE, DAVID MCCARTHY, ACTING AS CHAIR**

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

**a. #15-10R – Zoning Commission – Proposed amendments to permit ground signs on small lots in Neighborhood Business zones**

**\*\* MR. MCCARTHY MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#15-10R - Zoning Commission – Proposed amendments to Section 118-1294 to permit small ground signs on parcels without 75 feet of frontage in Neighborhood Business zones" and dated December 25, 2010, be APPROVED.**

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

- 1) To implement the Plan of Conservation and Development goal to "Continue to review and improve sign regulations" (F.4.1.4 p. 43);**
- 2) To implement the Plan of Conservation and Development goal to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and**

**BE IT FURTHER RESOLVED that the effective date of this action be February 25, 2011.**

**\*\* MR. MUSHAK SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. BLANK VOTED AS AN ALTERNATE.)**

**b. #16-10R – Zoning Commission – Proposed amendments to Article 121 to delete changeable copy sign (automatic) regulations**

**\*\* MR. MCCARTHY MOVED:BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#16-10R –**

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**Zoning Commission – Proposed amendments to Article 121 to delete changeable copy sign (automatic) regulations” and dated as modified to February 16, 2011 with Corporation Counsel modifications, be APPROVED.**

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

- 1) To implement the Plan of Conservation and Development goal to "Continue to review and improve sign regulations" (F.4.1.4 p. 43); and**
- 2) To implement the Plan of Conservation & Development goal to "improve the design of city street signs and public signs" (F.4.3.3, p. 44)**
- 3) To implement the Plan of Conservation & Development goal to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and**

**BE IT FURTHER RESOLVED that the effective date of this action be February 25, 2011**

**\*\* MR. WHITE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**c. #17-10R – Zoning Commission – Proposed amendments to Articles 10 & 30 to require special permit for athletic field lighting and audio systems**

**\*\* MR. MCCARTHY MOVED:BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#17-10R - Zoning Commission – Proposed amendments to require a special permit for athletic field lighting and sound systems” and dated January 4, 2011, as modified to February 16, 2011, be approved.**

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

- 1. To implement the Plan of Conservation & Development goal to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and**
- 2. To implement the Plan of Conservation & Development goal to "Ensure sensitive lighting of public property so as not to adversely affect surrounding private owners (C.1.3.8, p. 24); and**
- 3. To implement the Plan of Conservation & Development goal to ensure that "New lighting fixtures that are installed on public property or owned by the City shall comply with reasonable guidelines regarding their energy efficiency and shall appropriately diffuse their illumination downward to the maximum extent possible (C.1.3.9, p. 24); and**

**BE IT FURTHER RESOLVED that the effective date of this action be February 25, 2011.**

**\*\* MR. WHITE SECONDED.**

**\*\* MOTION PASSED (6-1) (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**VI. APPROVAL OF MINUTES:** January 19, 2011

**\*\* MR. WHITE MADE A MOTION TO APPROVE THE MINUTES.**

**\*\* MR. MCCARTHY SECONDED THE MOTION**

**\*\* MOTION PASSED UNANIMOUSLY. (MR. O'REILLY VOTED AS AN ALTERNATE.)**

**VII. COMMENTS OF DIRECTOR**

Mr. Greene stated that Rouge on Washington St. has their Certificate of Occupancy.

**VIII. COMMENTS OF COMMISSIONERS**

Mr. Santo asked whether any of the other commissioners would be attending a function at the Maritime Aquarium to which they had all been invited. At this function a marketing study would be released. The study would discuss how to attract retail businesses to Norwalk. Mr. Blank discussed how it is difficult for retail businesses to obtain financing from banks if banks do not believe the population in the area would be enough to sustain a retail business.

Mr. Santo mentioned a letter he received from someone on Christopher Lane discussing when does a house of worship become a commercial operation.

**IX. ADJOURNMENT**

**\*\* MR. SANTO MADE A MOTION TO ADJOURN.**

**\*\* MR. WHITE SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY (MR. O'REILLY VOTED AS AN ALTERNATE)**

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Diana Palmentiero