

**CITY OF NORWALK
ZONING COMMISSION
May 18, 2011**

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

STAFF: Michael Greene; Frank Strauch

OTHERS: Phil Mendence; Danielle Mendence; Atty. Liz Suchy; Kate Throckmorton; Doug DiVesta

I. CALL TO ORDER

Joseph Santo called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Greene took the roll call.

III. PUBLIC HEARINGS

a. #4-11SP – P. Mendence – 8 Scribner Avenue – Expand existing group daycare to child day care center in single family

Mr. Santo opened the public hearing. Phil Mendence, the owner of the property, addressed the commissioners and introduced his daughter, Danielle, who runs the daycare on the property. The Safe and Sound daycare has been there for 3 ½ years. They have not had problems with neighbors. Currently, they have 12 children but they are looking to expand. Mr. Mendence then turned over the green cards to Mr. Greene.

Mr. Keyes asked them to clarify about the amount of children they could have at the daycare. Ms. Mendence said that the license would allow her to have 32 children but she does not have the space for that many children. The state would look at the location and tell them how many children they could have. Mr. Keyes wanted to add a condition to the resolution to allow them to have up to 20 children in the daycare. He also asked about parking and suggested adding as a condition that the parking be paved.

Mr. Santo opened the hearing to public comment. No one asked to speak.

Mr. Santo closed the public hearing.

b. #6-11CAM – Cornacchia – 49 1/2 Rowayton Avenue – New single family residence with attached boathouse /garage

Mr. Santo opened the public hearing. Atty. Suchy began the presentation by handing one green card into Mr. Greene. She stated that although six certified letters were sent, they only received one back. A search of the U.S. Postal Service showed that the other letters were not picked up. She then handed out photos to each of the commissioners. She noted that applications for single family residences in CAM zones do not usually have a public hearing but that this hearing was being held at the request of the neighbors. She also gave a background of the property and then detailed her client's intentions for the property. Ms. Throckmorton, the landscape architect, continued the presentation. She spoke in detail about the report that she prepared for the application. She said that they had changed the concrete to crushed stone. Mr. DiVesta, the civil engineer for the project, continued the presentation. He discussed his report which was about storm water management and the quality of the run-off. Mr. Mushak commented that since he was concerned about the quality and not the quantity, he was happy that Mr. DiVesta had made his report. Atty. Suchy made some closing remarks.

Mr. Santo opened the hearing to public comment. No one asked to speak.

Mr. Santo closed the public hearing.

c. #1-11R – Zoning Commission – Proposed amendments to limit number of unregistered vehicles in residence zones

Mr. Santo opened the public hearing.

Mr. Greene presented the proposed amendment. He stated that in the past in order to enforce that there would be no more than one unregistered vehicle on a property the Zoning Dept. would cite a state statute. After the City lost a court case because it could not prove intent, Corporation Counsel suggested making it a regulation.

Mr. McCarthy read into the record memos from the Planning Commission, dated May 10, 2011; Sr. Coastal Planner of the State of Connecticut as well as letters from SWRPA and the Town of Westport, in support of the proposed amendment.

Mr. Santo opened the hearing to public comment. No one asked to speak.

Mr. Santo closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, ACTING AS CHAIR

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

i. #4-11SP – P. Mendence – 8 Scribner Avenue – Expand existing group daycare to child day care center in single family

****MS. JACOBSON MOVED: BE IT RESOLVED that application # 4-11SP, submitted by P. & D. Mendence for a Child Day Care Center at 8 Scribner Avenue, as shown on various plans by Grumman Engineering, LLC, Norwalk, CT, dated 3/7/11 as**

revised to 3/2/11 be APPROVED with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required erosion and sedimentation controls be in place prior to any construction; and.
3. That any graffiti on the site, now or in the future, be removed immediately; and
4. That the long term maintenance plan for the drainage system be submitted;
5. That the applicant agrees to have no more than 20 children;
6. That the parking pavement will be as set forth on the site plan;

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 27, 2011.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED (7-0) (MR. BLANK VOTED AS AN ALTERNATE.)**

ii. **#6-11CAM – Cornacchia – 49 1/2 Rowayton Avenue – New single family residence with attached boathouse /garage**

****MS. JACOBSON MOVED: BE IT RESOLVED** that application #6-11 CAM, construction of a single-family residence with attached boathouse / garage for the property 49 1/2 Rowayton Avenue, and as shown on the site plans titled “Zoning Location Survey of 49 1/2 Rowayton Avenue prepared for Thomas Cornacchia – Nancy Cornacchia, Norwalk, CT, Scale 1”=10’, Date: June 16, 2008 and Revised to May 5, 2011” by William W. Seymour & Associates, Darien, CT, Mark S. Lebow, Land Surveyor, Lic. No 15564 AND on the proposed drainage plan by DiVesta Civil Engineering Associates, Inc., Roxbury, CT, dated May 5, 2011, AND on the architectural drawings plan by Zimmerman Architecture, Norwalk, CT, Date: April 29, 2009, and Revised to September 23, 2009” by Lance E. Zimmerman, CT Lic. No. 7918 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 27, 2011.

**** MR. MUSHAK SECONDED.**
**** MOTION PASSED (7-0) (MR. O'REILLY VOTED AS AN ALTERNATE.)**

b. #1-05SPR – Pepperidge Farm - 595 Westport Avenue – 235 units/33,000 sq. ft. office – Request for release of surety – Report & recommendation

****MS. JACOBSON MOVED: BE IT RESOLVED that the surety held on application # 1-05 SPR, Pepperidge Farms, 595 Westport Avenue, 235 residential units and a 33,000 SF office addition have the surety released, with the following conditions:**

- 1) That the standard a maintenance surety be submitted to insure the continued good condition of the improvements; and**
- 2) That a surety in the amount of \$75,000 be submitted as surety for the office addition.**

**** MR. MCCARTHY SECONDED.**
**** MOTION PASSED (7-0) (MR. BLANK VOTED AS AN ALTERNATE.)**

c. DEP/AC – 49 ½ Rowayton Avenue – Replacement and relocation of ramp and float for recreational boating access – Report & recommendation

****MS. JACOBSON MOVED: BE IT RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200702317-SJ – 49 ½ Rowayton Avenue – Replacement and relocation of ramp and float for recreational boating access:**

- 1. That there are no outstanding zoning issues related to this application; and**

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices

**** MR. MUSHAK SECONDED.**
**** MOTION PASSED (7-0) (MR. O'REILLY VOTED AS AN ALTERNATE.)**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

a. #1-11R – Zoning Commission – Proposed amendments to limit number of unregistered vehicles in residence zones

****MR. KEYES MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#1-11R - Zoning Commission – Proposed amendments to Article 30 to limit the number of unregistered vehicles in residence zones" and dated April 5, 2011 be approved.**

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

- 1) To implement the Plan of Conservation and Development policy to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
- 2) To implement the Plan of Conservation & Development goal to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and
- 3) To implement the Plan of Conservation & Development goal to "Preserve and enhance the character of residential neighborhoods (F.2.2, p. 42); and

BE IT FURTHER RESOLVED that the effective date of this action be May 27, 2011.

**** MR. MUSHAK SECONDED.
** MOTION PASSED (7-0) (MR. BLANK VOTED AS AN ALTERNATE.)**

VI. APPROVAL OF MINUTES: APRIL 20, 2011

**** MR. MCCARTHY MADE A MOTION TO APPROVE THE MINUTES.
** MR. MUSHAK SECONDED THE MOTION
** MOTION PASSED (7-0) (MR. O'REILLY VOTED AS AN ALTERNATE.)**

VII. COMMENTS OF DIRECTOR

Mr. Greene told the commissioners that the architect for the 95/7 project called to let him know that the application for the apartments on the south side of the street would be filed either on Friday, May 20, 2011 or Monday, May 23, 2011.

VIII. COMMENTS OF COMMISSIONERS

Mr. Blank asked that the applicant for the Waypointe project bring to the Special Meeting in June pictures of different projects that they have worked on, especially the one in Stamford, to be used as a comparison.

IX. ADJOURNMENT

**** MR. MCCARTHY MADE A MOTION TO ADJOURN.
** MR. KEYES SECONDED THE MOTION.
** MOTION PASSED (7-0) (MR. BLANK VOTED AS AN ALTERNATE.)**

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Diana Palmentiero