

**CITY OF NORWALK
ZONING COMMISSION
July 15, 2015**

PRESENT: Adam Blank, Chair; Jill Jacobson; Nate Sumpter; Linda Kruk
STAFF: Michael Greene; Dori Wilson
OTHERS: Atty Liz Suchy; Myrtle Knight; Donna and Brian Benz, Farhan Mehmet

I. CALL TO ORDER

Mr. Blank called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Greene called the roll.

III. PUBLIC HEARINGS

Before the public hearings began, Mr. Blank announced that there were some public hearings that would not be going forward at this meeting.

a. # 1-15M – 25 Butler , LLC – 38 Orchard St/ 6 Quincy St – Proposed change to the Building Zone Map from D Residence to Central Business Design District Subarea B (2 lots)

Mr. Blank opened the public hearing. Atty Suchy began the presentation by handing in the certified, return receipt cards, evidencing notice of the public hearing. She then oriented the commissioners as to the location of the property on an aerial map and explained that the proposed amendments would re-zone the property from D Residential to Central Business Design District (“CBDD”). She gave the commissioners a description of the property. She explained that the proposed change was originally 4 lots but now it was 2 lots. She then explained the purpose of the zone change.

Myrtle Knight, 39 Orchard St., had questions about the zone change.

Ms. Kruk read the referrals from the Planning Commission and CAM into the record.

Atty Suchy answered Ms. Knight’s questions. The public hearing was closed.

b. #5-15R – Zoning Commission – Proposed amendments to Articles 30 regarding farm stands in AA and AAA Residence zones

Mr. Blank opened the public hearing. Ms. Wilson began the presentation by explaining the procedure which was similar to outdoor dining permits. Currently, there are no farm stands allowed in any zones. There are similar regulations in neighboring towns except for Darien where they are not allowed.

Ms. Kruk read the referrals from the Planning Commission, which recommended denial of the proposed amendments, as well as the CAM referral. The Chair asked if anyone wished to speak on the proposed amendments.

Donna and Brian Benz, of the Bucciarelli Farm, spoke in support of the proposed amendments. She gave a brief history of their farm. They also had problems with signage for the farm. Mr. Blank explained that they would not be able to help them with their problems at this hearing. They should make an appointment with either the Mayor or the Zoning Department staff.

Mr. Blank closed the public hearing.

c. #6-15R - Zoning Commission – Proposed amendments regarding places of worship in selected business and industrial zones

Mr. Blank opened the public hearing. Mr. Greene began the presentation by showing the commissioners a Building Zone map and describing the discussions with the Department of Justice (“DOJ”). He also told them in which zones “places of worship” would now be an allowed use.

Ms. Kruk read the referrals from the Planning Commission, as well as the CAM referral.

The Chair asked if anyone wished to speak on the proposed amendments.

Mr. Farhan Mehmet, 15 Pequot Drive, a board member of the Al Madany mosque, asked if his comments could be used for both the public hearing of #6-15 and #7-15 but Mr. Blank said that he would have to speak again for #7-15. He spoke in opposition to the amendments. He thought there were already challenges in these areas because of parking.

d. #7-15R - Zoning Commission – Proposed amendments to Section 118-1450 to revise criteria for Special Permits, to add a new subsection D. Special Standards for Non-residential uses in residence zones and related technical amendments

Mr. Blank opened the public hearing. Ms. Wilson began the presentation by explaining that these proposed amendments were already part of the Zoning Commission’s policy but would now be clarified in the regulations. She discussed the other proposed changes under the Special Permit regulations.

Mr. Blank clarified that these proposed amendments were proposed for B, C and D Residential zones only. Ms. Kruk read the referrals from the Planning Commission, as well as the CAM referral.

The Chair asked if anyone wished to speak on the proposed amendments.

No one spoke in support of the proposed amendments.

Mr. Farhan Mehmet, 15 Pequot Drive, asked if he could submit his remarks tomorrow because he did not have them printed for the public hearing. Mr. Blank said that the public hearing would not be kept open until the next day. He made another suggestion to Mr. Mehmet to submit his remarks but that did not work for him.

Mr. Mehmet then began his remarks in opposition to the amendments. He quoted RLUPA which stated that governments could not adopt policy which would make it difficult for religious institutions to locate anywhere within a jurisdiction. He cited case law and noted that these proposed amendments would require that religious institutions would be required to build on large lots. That may have been available earlier in the century but not at this time. Religious institutions would have to acquire several lots would not be feasible for them. He noted that even a preacher who would like to open his home to a religious institution would be required to acquire lots. He thought these amendments were making it difficult to allow religious institutions in Norwalk. He asked them to reconsider the proposed amendments.

No one else spoke in support or opposition to the application. Mr. Blank closed the public hearing.

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

a. #7-09SP - Avalon Norden Place LLC - 8 Norden Place - 240 unit multifamily development – Request for release of surety – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a release in the surety held for that the proposed site plan for #7-09SP - Avalon Norden Place LLC - 8 Norden PI – 240 unit multifamily development in an existing industrial development park as shown on a various plans by Perkins Eastman Architects, P.C., Tighe & Bond and LandTech Consultants Inc, and dated December 2, 2012 as revised to September 25, 2014, be approved, subject to the following condition:

BE IT FURTHER RESOLVED that 15 % of the required surety be retained as a maintenance surety to ensure that the site improvements are maintained for an additional year; and

BE IT FURTHER RESOLVED that the effective date of this action be July 24, 2015.

Ms. Kruk seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

b. #4-11SP – Safe 66 and Sound Daycare – 8 Scribner Ave – Addition of 10 children – Modification of conditions of approval – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the approval for 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 **modified** to allow an increase to a maximum of 30 children.

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 24, 2015.

Ms. Kruk seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

c. #12-15CAM – Charles Eaton – 22 Point Road – Additions to single family residence – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #12-15CAM, construction of additions to a single-family residence for the Property, 22 Point Road, and as shown on the A-2 Survey titled: “Zoning Location Survey, Of Property Prepared For Charles Eaton, Norwalk, Connecticut, Scale: 1”=20’, Date: 4/20/2015” ” by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and on the engineering drawings dated 6/11/2015 and revised to 6/24/2015 by Peak Engineers, LLC, Redding, CT and on the architectural drawings of 6/15/2015 and revised to 6/25/2015 by Daniel Conlon Architects, Georgetown, CT 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; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 24, 2015.

Mr. Sumpter seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE, LINDA KRUK, ACTING AS CHAIR

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

i. # 1 -1 5M – 25 Butler , LLC – 38 Orchard St/ 6 Quincy St – Proposed change to the Building Zone Map from D Residence to Central Business Design District Subarea B (2 lots)

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the proposed changes to the Building Zone Map as shown on a certain document entitled "**#1-15M – 25 Butler, LLC – 38 Orchard St/6 Quincy St - Proposed change to the Building Zone Map from D Residence to Central Business Design District Subarea B**" and dated July 8, 2015 affecting property located in the First Taxing District, Block 12, Lots 6 and 14 and including property now part of the Orchard Street ROW and Quincy Street ROW, all of which is now zoned D Residence and proposed for change to Central Business Design District Subarea B, be **APPROVED**.

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

1. To implement the Plan of Conservation and Development to "Advance current redevelopment plans" (A.6, p. 13); and "Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities)" (A.3.1.2, p.12); and
2. To implement the Plan of Conservation and Development to "Continue to provide budget funding to redevelop the West Avenue, Wall Street, and Reed Putnam areas with new housing and mixed use developments" (A.2.1.4, p. 11); and

BE IT FURTHER RESOLVED that the effective date of this action be July 24, 2015.

Ms. Jacobson seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

ii. #6-15R - Zoning Commission – Proposed amendments regarding places of worship in selected business and industrial zones

Before the vote, Mr. Blank said that he believed that since these amendments were expanding the zones in which places of worship would be permitted in the city, this was a positive step and should be voted on.

**** MS. KRUK MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#6-15R - Zoning Commission – Proposed amendments regarding places of worship in selected Business and Industrial zones**" and dated June 2, 2015, be **APPROVED**.

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

1) To implement the Plan of Conservation and Development to “Examine and modify existing zoning where necessary to achieve the goals of this plan” (F.2.1, p. 42);

BE IT FURTHER RESOLVED that the effective date of this action be July 24, 2015.

Mr. Sumpter seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

ii. **#7-15R - Zoning Commission – Proposed amendments to Section 118-1450 to revise criteria for Special Permits, to add a new subsection D. Special Standards for Non-residential uses in residence zones and related technical amendments**

**** MS. KRUK MOVED:** this application should be sent back to the Zoning Committee

Ms. Jacobson seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

iv. **#5-15R – Zoning Commission – Proposed amendments to Articles 30 regarding farm stands in AA and AAA Residence zones**

**** MS. KRUK MOVED:** this application should be sent back to the Zoning Committee

Ms. Jacobson seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

b. **95-19 City Code – Naming of Streets – Review and approval to name a new street off of Aiken Street as Caryns Way – Report & recommended action**

**** MS. KRUK MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the of the naming of a new street called “Caryns Way” off of Aiken Street be **APPROVED**; and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Sumpter seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: June 17, 2015

Mr. Blank moved to approve the minutes

Mr. Sumpter seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

VII. COMMENTS OF DIRECTOR

Mr. Greene had no comments for the Zoning Commission.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Mr. Blank made a Motion to Adjourn.

Ms. Jacobson seconded.

Adam Blank; Linda Kruk; Jill Jacobson and Nate Sumpter voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Diana Palmentiero