

**CITY OF NORWALK
ZONING COMMISSION
NOVEMBER 18, 2009**

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

STAFF: Mike Greene; Brenda Hrtanek

OTHERS: Atty. Liz Suchy; Mike Galante; Jenny Welden; Carlos Piros; Charles Mercheson; William Skidd; Margaret Skidd; Kathy Porter

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. #9-09SP/#21-09CAM – Anchor Academy – 3 & 7 Academy Street – Elementary school in the Carver building

Ms. Lightfield opened the public hearing.

Atty. Liz Suchy turned in the green cards and gave background about Anchor Academy and about the Carver building. She explained that the school had approximately 40 students, with six to twelve students per grade.

Mr. Mike Galante summarized traffic and road conditions in the area. He said that the school's operating hours were from 9:00 am to 2:15 pm, times which did not coincide with overall peak traffic hours in the area. He stated that the traffic impact from the school would be minimal.

Ms. Lightfield asked about how an increase in enrollment later on would impact traffic. Mr. Galante said that it would depend upon the number of new students.

Atty. Suchy emphasized that the school was not anticipating a significant increase in growth.

Ms. Lightfield opened the hearing to public comment.

Ms. Jenny Welden, 40 Taylor Avenue, expressed concern that neighbors had not been properly notified of the public hearing.

Ms. Lightfield asked what address the certified letter had been sent to. Ms. Welden clarified that it had been sent to 11 Academy Street.

Mr. Carlos Piros, 224 Chapel Street, stated that he supported Anchor Academy, but that he was concerned about the possibility of students trespassing onto his property to retrieve lost equipment and so forth. Mr. Piros added that he also had not received a letter about the proposal.

Mr. Mushak confirmed that letters were sent to property owners themselves, explaining that some owners may have different mailing addresses.

Mr. Charles Mercheson, 11 Academy Street, expressed concern about parking in the area of the school. He described problems with buses and other vehicles blocking driveways during pickup and drop-off. He added that his mother's property had recently been damaged by students he believed to be associated with the Carver building.

A neighborhood resident asked who was being accommodated by Anchor Academy.

Mr. William Skidd, 44 Fox Run Road, stated that there were Norwalk children, including his own, who attended the school. Mr. Atkins also stated that he had not seen buses at the school and that he drove his own child there. He added that the new fence on Chapel Street and Academy Street would prevent balls and other equipment from ending up on adjacent properties.

Ms. Christy McDonald, an employee of the Carver Center, said that the facility had not received any written complaints and that the proposal would allow for use of the building during an otherwise dormant time.

Atty. Suchy addressed the concerns about green cards, confirming that the City always followed guidelines about giving notice of public hearings. She said that Mr. Piros' father had in fact received the letter. Atty. Suchy clarified that any after-school programs nearby involved the Carver Center, rather than Anchor Academy. She added that students were not bussed to Anchor Academy and pointed out that there were 30 parking spaces on the site while only 8 to 10 were required. She stated that parents needed to be sensitive to neighbors' private property.

Atty. Suchy clarified that the students who had set leaves on fire and damaged property in the area were not in fact from the Carver Center. She added that most families whose children attended Anchor Academy were from Norwalk or Stamford. She pointed out that the proposal met all Special Permit requirements and reiterated that the project did not involve a rebuilding.

Mr. White asked if school staff would be stationed outside during dismissal. He requested that a person be appointed to oversee parking at dismissal time.

Ms. Maragret Skidd, a parent of an Anchor Academy student, agreed to arrange for an appointed person to monitor the dismissal process.

Mr. Mushak asked about the overlap of use in the afternoon. Ms. Skidd described the drop-off and pickup activity at the school.

Ms. Lightfield asked for clarification of the confusion between the Carver building and Anchor Academy. Atty. Suchy reiterated that Anchor Academy was a separate, private institution and was an independent tenant, not an adjunct or a subsidiary.

Ms. Kathy Porter, an architect, addressed the building size and showed floor plans for Anchor Academy.

Mr. Hard asked about how trespassing concerns would be addressed. Atty. Suchy said that students were inside most of the day and outside during recess but would not be permitted on adjacent properties. Ms. Porter pointed out that the parcel of land between the basketball court and the Carver Center was owned by the City.

Atty. Suchy reiterated that the proposal involved a beneficial use for the Carver Center and was a good mixed use overall, adding that there were no zoning violations on the property.

Ms. Lightfield closed the public hearing.

b. #9-09R - Zoning Commission – Proposed amendment to Section 118-1220 regarding the use of municipal parking lots in Norwalk Center

Ms. Lightfield opened the public hearing.

Ms. Light read referrals from the Planning Commission and State CAM office.

Mr. Greene described the proposal, pointing out that the amendment did not need to be renewed if the area turned out to be bustling two years from now.

Ms. Lightfield closed the public hearing.

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

a. Action on Item III a.

Ms. Lightfield said that a letter would be sent to Parks & Recreation regarding safety issues and liability and also with regard to signage.

The Commission agreed to add a condition concerning the number of students at the site. It agreed that the applicant would need to come before the Commission again, if enrollment at the school reached 60 students.

**** MR. WHITE MOVE: RESOLVED that application #9-09/21-09CAM, submitted by the Anchor Academy, Inc. for a private elementary school in an existing building (The Carver Center) at #3 & #7 Academy Street, as shown on plans by K. Poirier Architects, LLC, Wilton, CT entitled Anchor Academy at George Washington Carver Center, dated 9/14/09 be approved with the following conditions:**

- 1. That a complete signage package be submitted for review and approval when final complying signage is determined; and**
- 2. That any changes to the ending hour of school will require review by the Commission; 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 and 118-1450, Special Permit; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 27, 2009.

**** MR. BENTLEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #16-08SP – AG Phase I – Jefferson/W. Main Sts – 32 units – Request for extension of approval time – Report & recommendation

**** MR. WHITE MOVED: RESOLVED that application #16-08SP—AG Phase I, LLC for the construction of a 32 unit multifamily on Summer Street/ West Main be granted a one year extension of the approval time; and**

BE IT FURTHER RESOLVED that the new deadline is December 26, 2010.

**** MR. BENTLEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c. #8-07SPR – Norwalk Center, LLC - 10 Norden Place – 154,691 sq. ft. office building – Request for extension of approval time – Report & recommendation

**** MR. WHITE MOVED: RESOLVED that the request for an extension of approval time for site plan #8-07SPR—Norwalk Center, LLC—10 Norden Place—New 4 story 154,691 sq. ft. office building in an existing industrial development park as shown on various plans by Perkins Eastman Architects, P.C., Tighe & Bond and LandTech Consultants Inc., and dated as revised to October 24, 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 November 24, 2010; and**

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

**** MR. HARD SECONDED.
** MOTION PASSED UNANIMOUSLY.**

d. #4-09SPR/#11-09CAM – Shawn's Lawns – 15 Chapel St – Proposed contractor's storage yard - Request for extension of approval time - Report & recommendation

**** MR. WHITE MOVE: RESOLVED by the Norwalk Zoning Commission that the approval time on #4-09SPR/#11-09CAM—Shawn’s Lawns—15 Chapel Street—Proposed contractor’s storage yard be APPROVED for an extension of a period of 180 days; and**

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 27, 2009.

**** MR. BENTLEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

e. #4-98SP/#28-96SP - Norwalk Hospital – Maple St/Elmcrest Terrace - Hemodialysis building & addition to Emergency Dept – Request for release of surety - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that the surety held Special Permit application #28-96SP Norwalk Hospital Association for emergency department renovations/addition, relocated helicopter landing site and revised internal circulation plan as shown on a certain set of plans entitled “Emergency Department Norwalk Hospital Site Layout Plan” by Robert Wendler, Architect and AN Consulting Engineers, dated revised to January 3, 1997, be released , as all the required improvements have been installed and are in satisfactory condition; and**

BE IT FURTHER RESOLVED that the surety held for Special Permit application #4-98SP; Norwalk Hospital Association, for the construction of 10,000 sq ft hemodialysis building and revised circulation and parking plans for the Elmcrest Terrace, parking lot as shown on a certain set of plans entitled “Hemodialysis Center, Norwalk Hospital by Robert Wendler, Architect and various plans by Grumman Engineering Assoc, dated as revised to June 9, 1998, be released, as all the required improvements have been installed and are in satisfactory condition; and

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

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

f. #2-90SPR – Harwill Homes, Inc. – 330 Connecticut Ave – 14,932 sf retail building (Rickels) – Request for release of surety – Report & recommendation

**** MR. WHITE MOVED: RESOLVED that the maintenance surety be RELEASED on #2-90SPR—Harwill Homes, Inc.—330 Connecticut Av—14,932 sf retail building (Rickels)—Request for release of surety; and**

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 27, 2009.

**** MR. BENTLEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

g. #4-07SP – CT Friends School – 440 Newtown Ave – Elementary school – Request to phase & modify plans – Report & recommendation

**** MR. WHITE MOVED: RESOLVED by the Norwalk Zoning Commission that application #4-07SP—Connecticut Friends School Corp—440 Newtown Avenue/78 Cranbury Road for a K-8th grade school and related improvements be allowed to phase in the project by reconstructing the theatre and allowing it to be used as classroom space until the main building is constructed and also to modify the site plan as shown on a set of plans dated 3/14/08, revised to 09/29/2009, by James G. Rogers Architects, Norwalk, CT; and**

BE IT FURTHER RESOLVED that all conditions of approval remain in full effect and force; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 27, 2009.

**** MR. BENTLEY SECONDED.
** MOTION PASSED UNANIMOUSLY.**

h. #24-09 CAM – Jill Hanau – 8 Valley Road – Additions to a single-family residence - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that application #24-09CAM, construction of an addition to a single-family residence for the property 8 Valley Road and as shown on the site plan by Ryan and Faulds, Land Surveyors, Wilton, CT, dated September 25, 2009 and architectural drawing by Evolve Design Group, LLC, New Milford, CT dated September 10, 2009 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 November 27, 2009.

**** MR. BENTLEY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

i. DEP/USACE Referral – 32 Yarmouth Road – Install new pier, ramp, and float for recreational boating use

**** MR. WHITE MOVED: RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200701764-KB – 32 Yarmouth Road – Install a new pier, ramp, and floating dock; and

That the Commission supports water-dependent uses, such as the construction of docks, in tidal, coastal, or navigable waters of the state; and

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

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

j. DEP/USACE Referral – CL&P Norwalk substation – Norwalk River – Restoration & rip-rap of embankment

**** MR. WHITE MOVED: RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #SCel—200902189—DEP/USACE Referral—CL&P Norwalk substation—Norwalk River—Restoration & rip-rap of embankment; and

That the Commission supports the stabilization and rip-rap armoring of streambanks in order to eliminate the threat of any existing or future erosion of real property in Norwalk that abuts a watercourse; and

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

**** MR. BENTLEY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

a. Action on Item III. b.

**** MR. KEYES MOVED: RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#9-09R—Zoning Commission—Proposed amendments to Section 118-1220 regarding the use of municipal parking lots in Norwalk Center” and dated August 28, 2009, be APPROVED.

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

1) To implement the Plan of Conservation & Development goal to “Encourage centralized parking in the Norwalk and South Norwalk downtowns which allows shared parking by uses with complementary demands in both daytime and evenings” (E.5.1.3 p. 39)

2) To implement the Plan of Conservation & Development goal to “Support economic growth in the city with appropriate parking strategies” (E.5.1, p.39)

3) To promote new businesses to locate in existing vacant space in Norwalk Center; and

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

**** MS. LIGHT SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #8-09R – Norwalk Board of Education – Proposed amendments to Article 121 regarding signs at public high schools in residential zones – Report & recommendation

Note: Action on zoning amendment must precede action on special permit.

Mr. Blank recused himself and left the room.

**** MR. KEYES MOVED: RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#8-09R—Norwalk Board of Education—Proposed amendments to Article 121 regarding signs at public high schools in residential zones” and dated May 21, 2009 and as modified to November 12, 2009 to allow a changeable copy (automatic) ground sign on the premises of a public high school, be **APPROVED;**

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

1. To implement the Plan of Conservation & Development goal to “Continue to review and improve sign regulations” (F.4.1.4, p.43); and

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

**** MS. LIGHT SECONDED.**

**** (MOTION CARRIED 5-2, LIGHTFIELD AND WHITE OPPOSING, BLANK ABSTAINING).**

c. #8-09SP – Norwalk Board of Education – 23 Calvin Murphy Dr/Strawberry Hill Ave - New changeable copy (automatic) ground sign at Norwalk High School – Report & recommendation

**** MR. KEYES MOVED: RESOLVED** that special permit application #8-09SP to permit an automatic changeable copy ground sign at Norwalk High School as shown on a drawing entitled “NHS Marquee as revised to July 13, 2009” and on a site plan entitled “Additions and alterations to Norwalk High School” by Fletcher Thompson and dated December 2, 2005 as revised with a sketch showing proposed sign location dated May 21, 2009, be **APPROVED**, subject to the following conditions:

1. That a certificate of special permit and the approved site plan be filed on the Norwalk Land Records; and
2. That the plans be revised to provide additional landscaping; and
3. That the sign be modified to add text identifying the site as “Norwalk High School”; and
4. That the applicant submit information identifying the person responsible for the sign and two back-up persons including phone numbers and e-mail addresses for the above persons; and
5. That all other signs, including all handmade signs, are prohibited; and
6. That a final illumination report be provided to the Zoning Committee within three (3) months after the sign begins operating; and

7. That the sign be used only for text (no graphics) relating to on-site high school events; and

BE IT FURTHER RESOLVED that this application complies with Section 118-1221 Sign Regulation, as amended, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

**** MR. BENTLEY SECONDED.
** MOTION CARRIED 5-2, (LIGHTFIELD AND WHITE OPPOSING, BLANK ABSTAINING).**

Mr. Greene took the roll again in order to clarify the vote.

Ms. Light confirmed that a condition had been added about landscaping.

Mr. Keyes stated that the hours of operation needed to be explicitly stated in the resolution.

Ms. Lightfield said that the name of the school needed to be present on the sign.

Mr. White said that no advertising should be permitted, except for that involving school events. Ms. Lightfield read aloud the language clarifying advertising on the sign.

Mr. White asked for confirmation that no streaming video would be permitted. Ms. Light read the language aloud.

Mr. Greene said that language regarding the hours of operation had been changed in the regulation itself.

d. #7-09R - Norden Place, LLC - Proposed amendments to Section 118-711 to permit multifamily and single family dwellings by special permit in Restricted Industrial zone – Report & recommendation

An audience member asked the Commission to clarify what item was being voted on. Mr. Keyes clarified the item.

Mr. Mushak read aloud from a written statement he had prepared. He said that he had listened to the neighbors' concerns at the public hearing and had read all the information concerning the proposal. He said that he had been amazed by the level of community concern. Mr. Mushak said that he would vote for the project, but that his decision had been an especially challenging one. He said that he understood that some residents did not want any development on the property, but that it was important to control the inevitable growth at the site. Mr. Mushak emphasized that it would be far worse to preserve the property as industrial than to allow this residential use. He addressed the traffic impact, citing the actual traffic counts on Strawberry Hill Avenue and pointing out that there would be 86% more traffic, if the site were industrial. Mr. Mushak asserted that many of the people who had signed the petition opposing the project had not in fact been told the full story. He discussed the duty of public officials to speak truthfully about such projects and to be held to a higher standard than an ordinary person speaking at a public hearing.

Ms. Lightfield said that the text amendment was not to remove the Restricted Industrial use, but to add a residential use, pointing out that from a traffic standpoint; residential uses had the least impact.

**** MR. KEYES MOVED: RESOLVED that the proposed amendment to the Building**

Zone Regulations as shown on a certain document entitled #7-09R—Norden Place LLC—Proposed amendments to Section 118-711 Restricted Industrial Zone to permit multifamily dwellings on parcels of 25 acres or more by special permit” and dated as revised to September 24, 2009 to allow multifamily residential development with 10% affordable, be APPROVED;

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

- 1. To implement the Plan of Conservation & Development goal to “Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met (A.1.2.3, p. 10); and**
- 2. To implement the Plan of Conservation & Development goal to “Encourage a balance between new jobs and housing opportunities (A.1.1.7, p. 10); and**
- 3. To implement the Plan of Conservation & Development goal to “Preserve and protect open space for natural resource management and to preserve neighborhood character (C.2.1, p. 25); and**
- 4. To implement the Plan of Conservation & Development goal “Encourage private landowners to establish conservation easements for protecting wetlands and open space (C.2.1.8, p. 25); and**
- 5. To implement the Plan of Conservation & Development goal to “Require a minimum of ten percent (10%) affordable units in all developments over 20 units, as per the Workforce Housing ordinance” (A.2.1.5, p. 11); and**

BE IT FURTHER RESOLVED that the effective date of this action is November 27, 2009.

**** MR. WHITE SECONDED.**

**** MOTION CARRIED (LIGHT ABSTAINING).**

e. #7-09SP - Norden Place, LLC - 8 Norden Place - 240 unit multifamily development with 4 single family residences (25 units to be designated as workforce housing units) and related recreation facilities – Report & recommendation

**** MR. KEYES MOVED: RESOLVED that special permit #7-09SP—Norden Place, LLC—8 Norden Place—240 unit multifamily development and 4 single family residences with 25 affordable workforce housing units at NordenPark industrial development park as shown on various architectural plans by Beinfield Architects and site and engineering plans by Tighe & Bond Consulting Engineers and Environmental Land Solutions and others, dated May 21, 2009 as revised to October 20, 2009, be APPROVED, subject to the following conditions:**

- 1. That a certificate of special permit, conservation easement and the approved site plan be filed on the Norwalk Land Records; and**
- 2. That a public access easement be filed on the Norwalk Land Records granting the public the right to access the walking trail and that the plans be revised to provide a sidewalk along the entry drive providing pedestrian access to/from Norden Place; and**
- 3. That the plans be revised to extend the sidewalk along the north side of Norden Place from the site driveway to the intersection of Strawberry Hill Avenue; and**
- 4. That the plans be revised to extend the “specialty pavement program” on the landscape plan to include the area located at the courtyard/driveway intersection; and**
- 5. That the workforce housing deed restriction document with the sale price restrictions be filed on the Norwalk Land Records to implement the workforce housing restrictions as shown on a certain document entitled “Norden Place LLC**

- Multifamily Affordability Plan” dated September 28, 2009; and
6. That all required CEAC signoffs be submitted, including the required permit from the State Traffic Commission, prior to the issuance of a zoning permit; and
 7. That all proposed traffic improvements, including a new traffic light at the intersection of Strawberry Hill Avenue and Beacon Street, be installed prior to the issuance of a certificate of zoning compliance; and
 8. That the request for a waiver of 86 parking spaces for multifamily parking requirements be granted subject to the submittal of a surety for a period of 2 years to confirm that 325 parking spaces are sufficient for the use; and
 9. That the owner be responsible for maintaining and cleaning the storm water system as described in the storm water management plan submitted to the Commission; and
 10. That a follow-up traffic study be conducted within six (6) months of the issuance of a certificate of zoning compliance and presented to the Zoning Commission; and
 11. That as surety, in an amount to be determined by staff, be submitted to guarantee the installation of required improvements; and
 12. 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 that any additional needed soil and sedimentation controls be installed at the direction of the staff and that all required long term soil erosion and sedimentation controls be properly maintained; and
 13. That any graffiti on the site, now or in the future, be removed immediately; and
 14. That any modifications to the approved plan which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and

BE IT FURTHER RESOLVED that the application complies with applicable sections of the Norwalk Building Zone Regulations, including Sections 118-711 Restricted Industrial zone, as amended, and 118-1450, Special Permits.

BE IT FURTHER RESOLVED that the effective date of this action be November 27, 2009.

**** MR. BENTLEY SECONDED.**
**** MOTION CARRIED (LIGHT ABSTAINING).**

VI. APPROVAL OF MINUTES: October 21, 2009

**** MR. BENTLEY MOVED TO APPROVE THE MINUTES.**
**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VII. COMMENTS OF DIRECTOR

Mr. Greene announced that there was a budget request for a new sound system.

VIII. COMMENTS OF COMMISSIONERS

There were none tonight.

IX. ADJOURNMENT

**** MR. MUSHAK MADE A MOTION TO ADJOURN.**
**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:36 pm.

Respectfully submitted by Charlene Smith