

**CITY OF NORWALLK
ZONING COMMISSION
APRIL 21, 2010**

PRESENT: Jackie Lightfield, Chair; Andrea Light; Adam Blank; James White; Bob Hard; Michael Mushak; Mike O'Reilly

STAFF: Mike Wrinn; Frank Strauch; Dori Wilson

OTHERS: Atty. Glenn Major; Ray Sullivan; Al Raymond; Gus Pappajohn; Atty. Thomas Vetter; Ed Bogdanyi; Peter Wien; Peter Schuerch; Steve Serasis; Robert Burgess; Maryann Pellegrino; David Nemeth; Paul Branton; Lewis Zucker; Andy Ayala; Jon Zucker; John Neafsey, Jr.; Monica Celles; Ursula Schuerch; Gino Vona; Fritz Knipschildt; Mark Wilson; Tim Sheehan; Jack Chiamonte; Fredrick Brown; Tom Rich; Joseph Criscuolo

I. CALL TO ORDER

Ms. Lightfield called the meeting to order at 7:30 pm.

II. ROLL CALL

Mr. Wrinn took the roll call.

III. PUBLIC HEARINGS

a. #1-10SP – G. Pappajohn – 44 - 46 Stuart Avenue – 16 unit multifamily development

Ms. Lightfield opened the public hearing.

Atty. Glenn Major, representing the applicant, explained that the applicant had already been approved for 12 units and wanted to modify the application to include 16 units.

Mr. Ray Sullivan, an architect, said that market demand influenced the adjustment in the number of units.

Mr. Lightfield asked how the total number of bedrooms in the development would affect parking space requirements. Mr. Sullivan said that there would be six extra parking spaces beyond the minimum required number.

Ms. Lightfield opened the hearing to public comment.

Mr. Al Raymond, 79 Truman Street, stated his opposition to the project, pointing out that there had been ongoing problems with the application. He said that neighbors had held a press conference and that the property was dangerous and unkempt. Mr. Raymond said that there was standing water on the site and that the developer had not taken care of paving and sidewalk repairs. He pointed out that the paving repairs had eventually been made, due to a bond. He stated that 12 units was an acceptable number, but that there was not enough ground space to accommodate 16 units. He reiterated that a zoning official should visit the site to ensure the developer was complying with codes.

Atty. Major pointed out that there was a difference between the property owner and the developer, in this case. He said that the contractor had defaulted on the bond, which was then called.

Ms. Lightfield asked if the owner had contracted with this contractor. Atty. Major said yes, adding that the contractor had not completed work after receiving payment. Atty. Major reiterated that it was obviously in the applicant's interest to complete the project and to avoid leaving a vacant lot on the site. He emphasized that the project would only be economical, if it were built with 16 units. He added that the poor conditions on the property were only due to the conflict between the owner and the contractor.

Ms. Light asked what the time frame was for construction. Atty. Major said that it could not begin yet, particularly if the applicant needed to get financing for the 12-unit option.

Mr. Mushak asked why the market was not responding to two-bedroom units. Atty. Major explained that the demand was low, because there were already a lot of two-bedroom units in the city.

Mr. Mushak asked if the open space requirement was fulfilled. Mr. Strauch said yes, adding that the property actually exceeded the requirement.

Mr. White asked about the current conditions on the site. Mr. Strauch said that it was now compliant.

Mr. Hard pointed out that the Commission had been told by another applicant a year ago that there was no demand for one-bedroom units. He asked the applicant to clarify its time frame.

Mr. Gus Pappajohn stated that the applicant would approach the bank, after it was confirmed exactly what could be built on the site. He said that once started, the construction would take about one year.

Mr. Sullivan confirmed that the one-bedroom units were 775 square feet each and that the coverage was within guidelines.

Ms. Lightfield closed the public hearing.

b. #3-10CAM – Vona – 37 High St – Contractor's storage yard – Request to modify approvals to increase size of yard & add larger trucks

Ms. Lightfield opened the public hearing.

Atty. Thomas Vetter, representing Tom and Gino Vona, gave background about the applicants, pointing out that they had been in business since the late 1960s. He stated that the proposal was to join the two areas of the property with minor changes to the 37 High Street permit. He said that the two existing entrances would become one entrance and that the applicant wanted to store trucks on the site. Atty. Vetter added that two additional parking spaces were being requested, as well. He explained that the dumpster would be moved behind the stockade fence, which shielded the property from its adjoining neighbors. He pointed out that the restricted street width and the turn radius had been cited as problematic in the hearing minutes from five years ago, but that neither issue presented a problem any longer. He emphasized that there had never been a violation of the noise ordinance on the site and that noise was part of the operation. Atty. Vetter asked the Commission to consider allowing larger trucks and two additional parking spaces, as well as an adjustment in the hours of operation. He added that the site was an industrial property and that it provided jobs, pointing out that the neighboring homes were also built in an industrial zone.

Mr. White stated that he had been on the Commission when the application had been approved five years ago and that neighbors had feared that it would return with more requests. He pointed out that the concerns about the operation had not been limited to turning radius and street width. He said that the hours of operation needed to remain unchanged and that larger vehicles would make more noise. Mr. White emphasized that the Commission had given residents assurance that they would be protected.

Atty. Vetter said that there had been no record of this conflict in the minutes of that hearing.

Ms. Light said that she recalled the size of trucks being a key issue in the previous application.

Ms. Lightfield read aloud the conditions concerning storage and hours of operation. She asked if this application were being sought as a response to a recently issued Cease & Desist order. Atty. Vetter confirmed that there had been a Cease & Desist order, but that the application was not a response to it.

Mr. O'Reilly stated that the size of the trucks was in fact a significant issue for neighbors.

Ms. Lightfield requested that the applicant's rebuttal address the lack of planting and screening on the property.

Ms. Lightfield opened the hearing to public comment.

Mr. Ed Bogdanyi, 31 High Street, stated his opposition to the proposal. He said that the operation started at 7:00 am every day and continued until 8:00 pm. He said that more trucks on the site would mean more noise, as well.

Mr. Peter Wien, 24 High Street, stated his opposition. He said that he had been a resident for 20 years and had seen the property change over time. He discussed a complaint he had filed previously, after the applicant's stone-sawing operation had generated so much dust that cars in the area appeared to be covered with snow. Mr. Wien said that the dust problem had been somewhat improved since that time. He read aloud a section of the Industrial #1 zone regulation that prohibited uses that produced dust, noise or smoke. He also described conditions on the property, stating that the noise of the rocks and trucks was very loud and that the stockade fence was only inches away from the neighboring house. Mr. Wien said that he saw the application as a slow movement to go against what Zoning had permitted, as well as a slow movement to take over the entire corner. He said that the expansion should not be permitted and that the residential area would only have the opportunity to grow if the area were not impacted by the slow growth of the stone-crushing operation.

Mr. Peter Schuerch, 8 Camp Street, discussed his opposition to the project. He distributed photographs and discussed conditions on the property. He said that stones were piled on High Street and that there were schoolchildren who walked past the site. He said that the conditions were unacceptable, even in an Industrial 1 zone.

Mr. Steve Serasis, 24 High Street, stated his opposition. He said that he was also a long-time resident of the area. He emphasized that *any* contractor, not just Vona, should not be permitted to run an operation in this manner. Mr. Serasis described the residential area as quaint and walkable, but that the operation was responsible for the demise of the neighborhood. He noted that rocks had been piled higher than the houses and that dust continued to be a problem. He discussed the turning radius, adding that he had seen mostly huge trucks on the property, rather than pick-up sized trucks. Mr. Serasis said that the applicant seemed to have "Ballerina Syndrome," insisting that it could fit into spaces that were clearly far too small for it.

Mr. Mushak asked if Mr. Serasis could confirm that anyone had made noise complaints about the site. Mr. Serasis said he had not complained because he was trying to be a good neighbor, reiterating that the opposition to the project was not personal and that any heavy industrial use of that sort would be problematic on the property.

Mr. Robert Burgess, 37 Brooklawn Avenue, said that he opposed any further encroachment of this sort of use on the property. He said that even in an industrial zone, it was important to limit the impact of the operation.

Ms. Maryann Pellegrino, 31 High Street, discussed her opposition to the project. She described a conversation she had with Mr. Vona last year and pointed out that he had not taken her concerns seriously. She emphasized the high level of noise on the site, noting that the operation began early in the morning and continued late into the evening.

Mr. David Nemeth, 31 High Street, stated his opposition to the project, adding that there were already large trucks on the property.

Mr. Paul Branton, 31 High Street, discussed his opposition to the expansion. He described conditions on the site, noting that there were already six-wheel dump trucks there and that dust and noise were a serious problem. He also pointed out that the fencing was in disrepair and that there were two large piles of wood chips on the site.

Mr. Lewis Zucker, 31 High Street, stated his opposition to the project. He said that he had written annual letters about the conditions and the impact on the residential area. He emphasized that it was wrong for the applicants to enrich themselves to everyone else's detriment.

Mr. Andy Ayala, 31 High Street, said that he opposed the project. He said that there needed to be better enforcement of what was currently on the site, as well.

Mr. Jon Zucker, 31 High Street, said that he was in opposition to the project, emphasizing the need for increased enforcement of the violations that were already on the site. He said that he was surprised that an application for expansion would even be entertained, considering the current breaching of ordinances.

Mr. John Neafsey, 29 High Street, read a letter from another resident, discussing the impact of the operation on the health of the area residents.

Ms. Monica Celles, 31 High Street, stated her opposition to the project. She said that the site was an eyesore and that large trucks and noise were problematic.

Ms. Ursula Schuerch, 8 Camp Street, stated her opposition to the project. She said that she had been a resident for 28 years and that the whole neighborhood was impacted by the noise and dust from the operation.

Atty. Vetter responded to specific questions about planting and screening on the property. He described the plantings that were intended for the front of the property and noted that more evergreens would be added along the buffer.

Ms. Lightfield asked why these adjustments had not been submitted as part of the plan.

Atty. Vetter said that the applicant had gone through many iterations of the site plan and that he had believed the plantings were indicated on the most recent one. He noted that only a tiny strip of blacktop had been added and that the rest was gravel. He also pointed out that the applicant had deleted the office use from the single-family unit. Atty. Vetter said that the large piles of stones on the site actually complied with the height limits, adding that the regulation should be re-examined. He said that he was unaware of any stone piles at the VFW, as indicated by one speaker. He noted that this was a permitted use in the zone and that the applicant had tried to be cognizant of residents' concerns. He reiterated that the noise ordinance had not been violated.

Mr. Mushak said that the lack of violation was irrelevant, considering that the noise could be heard two miles away. He also asked if an air sample could be taken from the site to determine whether regulations concerning dust were being violated. Mr. Wrinn confirmed that such a sample could be taken by the Health Department.

Mr. Mushak asked about noise ordinance violations. Mr. Wrinn said that police would have records of any noise violations.

Mr. Mushak pointed out that there had been problems with enforcement and that complaints had gone unanswered.

Atty. Vetter clarified that there had been noise complaints, but there were no actual violations of the ordinance.

Mr. Gino Vona explained that he had worked hard to establish the business and that he had purchased another property as it grew. He said that he had paid his taxes and provided jobs and that the business could be a benefit to the city.

Mr. Mushak asked what measures had been taken to control the dust on the site. Atty. Vetter said that the small stone particulate was actually part of the operation.

Mr. Hard said that the operation more closely resembled quarrying than mere contractor's storage. Atty. Vetter said that the stone-cutting was part and parcel of the operation. Mr. Hard said that the stone-cutting use did not sound like light industrial.

Ms. Lightfield requested that staff pull all noise complaints between July 2005 and present, as well as any dust complaints. She also asked for documented history of the Cease & Desist order, which she said involved modifications to the site plan with regard to dump trucks, storage, loose materials, and screening.

Ms. Lightfield closed the public hearing.

c. #1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118- 1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments

Ms. Lightfield opened the public hearing.

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

Ms. Wilson summarized the reasons for the requested changes, explaining that FEMA was updating the flood maps and that the adjustments were necessary in order for property owners to maintain their flood insurance eligibility. She pointed out that there were optional regulations on page 8, along with the mandated ones.

Ms. Wilson said that two of the definitions for compensatory storage and equal conveyance listed on page 7 were required by State law not by FEMA. She noted that the Darien Planning & Zoning Commission had opted not to adopt those two definitions.

Mr. Blank asked why some municipalities had not adopted those definitions. Ms. Wilson said that it was perceived that the requirements were considered to be onerous.

Ms. Light emphasized the importance of helping those in areas consistently affected by flooding.

Mr. Blank asked if owners were liable for diverting surface water from their properties. Ms. Wilson confirmed that owners would need to prove that displaced water stayed on their own property.

Mr. Hard noted that this was an impossible standard, pointing out that one could not build a storage tank large enough to deal with the problem. He said that under this arrangement, a property owner could not defend his own property.

Ms. Wilson reiterated that the Commission needed to adopt the FEMA required amendments prior to the June 18, 2010 effective date of the new FEMA maps and had the option not to include the optional items on page 8.

Ms. Lightfield opened the hearing to public comment. No one asked to speak.

Ms. Lightfield closed the public hearing.

d. #2-10R – Zoning Commission – Proposed amendments regarding changes to non-conforming signs

Ms. Lightfield opened the public hearing.

Ms. Light read the referrals.

Ms. Wilson summarized the proposed amendments concerning signs, explaining that a name change would not be considered a change. She confirmed that this was a result of the Court decision from the ZBA denial of the Best Buy application in 2003.

Ms. Lightfield opened the hearing to public comment. No one asked to speak.

Ms. Lightfield closed the public hearing.

e. #3-10R – Zoning Commission – Proposed amendments regarding municipal parking in South Norwalk

Ms. Lightfield opened the public hearing.

Ms. Light read the referrals.

Ms. Wilson discussed the fee-in-lieu parking regulation, which had first been adopted for the Norwalk Center area in 1987 and later amended to include SoNo in 2000. She addressed the problem of vacancies in existing buildings and explained the rationale behind amending the fee-in-lieu parking requirements.

Ms. Lightfield clarified that the amendment applied to existing structures and that new structures would not qualify.

There was a brief discussion of compliance in the case of a change of use

Ms. Lightfield opened the hearing to public comment.

Mr. Fritz Knipschildt said that he originally had difficulty putting his business in SoNo due to the use and also the parking regulations, but had managed to do so. He said that it was not important what businesses were occupying what spaces in the area and that more restaurants in the area would be a benefit.

Mr. Mark Wilson, 137 Washington Street, gave background about the parking situation in SoNo. He said that he did not object to paying for parking, but noted that his rates had already increased by 22%. He said

that business owners had wanted the Maritime Garage, but that there was now debt associated with it. He reminded the Commission that when funds were taken out of one area, they would naturally need to be found somewhere else. He said that not only businesses, but also patrons would end up paying.

Mr. Robert Burgess, 37 Brooklawn Avenue, stated that parking restrictions were a bad idea and that there were already too many empty buildings downtown.

Mr. Steve Serasis, 24 High Street, said that he had been in the restaurant business for 22 years and was familiar with parking issues in SoNo. He said that investing in SoNo did not make sense, due to a \$20,000 fee for parking. He said that businesses were driven away to areas without this level of burden. He emphasized that the zoning regulation for parking needed to be removed.

Mr. Tim Sheehan, of the Redevelopment Agency, stated his support for the amendments, noting that a discussion had taken place about parking every year. He clarified that public parking was a consumer-generated business.

Mr. Jack Chiaramonte, 40 North Main Street, stated his support for the amendments, noting that it would make it easier for businesses to maintain customers.

Mr. Fredrick Brown, said that he had been in business as a commercial realtor in Norwalk for many years and that he supported the amendments to the regulations. He discussed the active store area criteria for retail stores. Ms. Wilson said that a business could not enlarge the physical structure, but that it could convert storage space to active floor space.

Mr. Tom Rich, 1 Rogers Road, Stamford, said that he supported the amendments to the regulations. He said that there was no need for concern that too many restaurants would come to the area, noting that it was an expensive business, even without parking fees. He emphasized that a positive synergy would be created by more businesses in SoNo.

Mr. Joseph Criscuolo said that as the owner of the Avrick Building, he supported the changes to the parking regulations. He pointed out that there was a problem with too many vacant buildings in SoNo.

Mr. Chef Jeff, of Jeff's Cuisine, stated his support for the proposal, pointing out that it would benefit small business owners.

Ms. Lightfield gave background about parking issues in the city. She clarified that the Parking Authority had been established in 2003 and that business owners and visitors would still be paying for parking. She said that the original regulation had involved how to pay for providing parking. She discussed how funds were used for capital improvements to parking structures. She reiterated that she too hoped to see an improvement in business in SoNo.

Ms. Lightfield closed the public hearing.

f. #2-09M - Zoning Commission - 12 - 44 High Street & Cottage Place – Proposed change from Industrial #1 to Neighborhood Business and Central Business Design District Subarea A

Ms. Lightfield opened the public hearing.

Ms. Light read the referrals.

Ms. Wilson explained that the proposal involved changing the Building Zone Map. She said that many properties in the area would thereby be rendered more compliant. She also pointed out that most of the properties were 2 ½ stories in height.

Ms. Lightfield opened the hearing to public comment.

Mr. Steve Serasis, 24 High Street, said that the integrity of the neighborhood should be preserved and that he supported the proposal.

Mr. Peter Wien, 24 High Street, said that he supported the change in zone. He discussed the uniqueness of the neighborhood.

Mr. Peter Schuerch, 8 Camp Street, said that he supported the zone change and that the permitted uses would be compatible with one another.

Mr. Ed Bogdanyi, 31 High Street, said that he favored the change, which would make High Street more residential.

Mr. John Neafsey, 29 High Street, said that he favored the change, adding that it would make the neighborhood more peaceful.

Ms. Lightfield closed the public hearing.

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

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

III. A. 1-10SP – G. Pappajohn – 44 - 46 Stuart Avenue – 16 unit multifamily development

**** MR. WHITE MOVED: RESOLVED that application #1-10 SP – Gus Pappajohn - 38 Stuart Avenue - 16 Unit multi-family residential, as shown on various site and engineering plans Grumman Engineering, LLC, Norwalk, CT, dated 12/23/09 and Revised to 3/5/10 and Architectural Plans by The Sullivan Architectural Group, Norwalk CT, dated 1/19/10 and Revised to 2/19/10 be approved with the following conditions:**

- 1. That all required CEAC signoffs are submitted; and**
- 2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; 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 5' wide buffer strips be free and clear of any structures or other improvements; and**
- 6. That any graffiti on the site, now or in the future, be removed immediately; and**
- 7. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and**
- 8. That all parking spaces in the garages be clear and free from any obstructions to 8'-0" from the garage floor; 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 unenclosed front porches be approved and exempt from building area calculations as per the Norwalk Building Zone Regulations, specifically Section 118-360 (C.) (7a (4)); 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 the effective date of this approval shall be April 30, 2010.

**** MS. LIGHT SECONDED.**

**** MOTION CARRIES, 5-1, (MUSHAK OPPOSING).**

III. B.. #3-10CAM – Vona – 37 High St – Contractor's storage yard – Request to modify approvals to increase size of yard & add larger trucks

**** MR. WHITE MOVED TO SEND THE ITEM BACK TO COMMITTEE.**

**** MR. HARD SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #6-10CAM – Bartosiewicz – 7 Wall Street – Construction of a 380 square foot roof deck for restaurant use - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that Coastal Area Management #6-10, submitted by Cezary Bartosiewicz (owner) for the construction of a 380 square foot roof deck for restaurant use be approved subject to the following conditions:**

- 1. That no live music or DJ entertainment take place in the facility without approval from the Zoning Commission first; and**

BE IT FURTHER RESOLVED that under Section 118-1220 (L) (1), Parking in Norwalk Center, the additional 9 spaces generated by the increased use, will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of the downtown; and under this proposal

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 30, 2010.

**** MR. LIGHT SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c. #2-07SP – G. Pappajohn – 44 - 46 Stuart Av – 12 unit multifamily development – Request for 1 year extension of approval time - Report & recommendation

**** MR. WHITE MOVED: RESOLVED by the Norwalk Zoning Commission that the approval time on #2-07SP – G. Pappajohn – 44 - 46 Stuart Av – 12 unit multifamily development be approved for an extension of a period of 365 days; and**

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 30, 2010.

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

d. #11-09SP – Silvermine Homes, LLC – 241 & 249 Silvermine Av – 11 unit conservation development - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that the Norwalk Zoning Commission, after reviewing the public record, does not believe that the application #11-09SP, submitted Silvermine Homes, LLC, for an 11 unit conservation development will have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the state for the following reasons:**

- 1. Other than statements to that affect, there was no conclusive, credible , expert testimony, or evidence that such an adverse impact would likely be caused by the proposal;**
- 2. That the amount of impervious surface is a lesser amount compared to a subdivision that could be done to the property;**
- 3. Trees will be removed, the majority of which are invasive; but those lost will be replaced with an adequate number of new trees, native to the State of Connecticut;**
- 4. That the proposal will implement stormwater quality treatment devices such as rain gardens and catch basin filter inserts, which would provide sufficient pollutant removal opportunities prior to stormwater leaving the site;**
- 5. There is no credible documentation that the number of automobiles using this development is beyond what is normally expected in the ‘A’ Residential Zone in which it is located;**
- 6. The proposal complies with the 2008 Plan of Conservation & Development and the Comprehensive Plan for the City – both which anticipated development of this site at the scale proposed;**

7. That the Conservation Commission, Norwalk's Inland Wetland Agency, approved the plan and after giving due consideration to its comments, we concur that there will no unacceptable impact on wetlands and/or watercourse;
8. The project has been approved by the Norwalk Health Department and after due consideration of their approval, we concur that there will be no unacceptable adverse impacts on health; and
9. The project has been approved by the Department of Public Works and after due consideration of their approval, we concur that there will be no unacceptable adverse impacts on infrastructure; and

BE IT FURTHER RESOLVED that application #11-09SP, submitted Silvermine Homes, LLC, for an 11 unit conservation development and as shown on various site plans by Dennis A. Delius, Land Surveyor (11/13/09, Rev. to 1/8/10) and McChord Engineering Associates, Inc. (4/27/09, Rev. to 1/28/10) and the landscape plan by Environmental Land Solutions, LLC (11/16/09, Rev. to 1/28/10) and architectural plans by MacIntyre Associates Architects (10/29/09), Norwalk, CT be APPROVED with the following conditions:

1. That the site plan be modified to remove House # 5 and have it revert to a more substantial conservation area in the wetland and watercourse area; and
2. That all required CEAC signoffs are submitted; and
3. That a surety, in an amount to be determined by staff, shall be submitted to guarantee the installation of the required improvements; and
4. 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
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff ; and
6. That the conservation area be clearly marked along all edges where it abuts private development including the 10 unit conservation development itself; and
7. That any existing trees in the conservation area shown to remain that are lost during construction shall be replaced and that an updated landscape plan showing replacement trees shall be submitted to the Zoning Commission for approval; and
8. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any graffiti on the site, now or in the future, be removed immediately; and
11. That the proposed stormwater facilities maintenance plan provided be executed after the issuance of the final Certificate of Occupancy; and

BE IT FURTHER RESOLVED THAT the reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, 118-410 – Conservation Developments and Section 118-1450, Special Permits; 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 the effective date of this approval shall be April 30, 2010.

**** MR. MUSHAK SECONDED.**

There was a discussion of the conditions of approval. The Commission agreed to table the item until a Special Meeting on May 13, 2010.

e. #23-95CAM – King Industries – Science Road – Office/R&D facility – Release of surety - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that a request of the release of the surety held on application #23-95 King Industries, Office and R&D facility on Science Road be APPROVED, as all the required improvements have been properly installed; and**

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 30, 2010.

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

f. DEP/Army Corps – 57 Rowayton Av – Modify structure foundation & deck support - Rpt & recommendation

**** MR. WHITE MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200903874-SJ – 57 Rowayton Avenue – Modify a structure foundation and a deck support (the dock); and**

That the Commission supports water-dependent uses, such as the construction /modification of docks and floats, 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.

**** MR. BLANK SECONDED.
** MOTION PASSED UNANIMOUSLY.**

g. DEP/Army Corps – 100 Seaview Ave – Retain seawall and floats for private recreation use - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200502096-SJ – 100 Seaview Avenue – Retain seawall for flood and erosion control structure and floats for recreational use; and**

That the Commission supports water-dependent uses, such as the retention of docks and floats, 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.

**** MR. BLANK SECONDED.
** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

Ms. Lightfield acted as Chair, in Mr. Keyes' absence.

a) Action on Items III. c, d., e. and f.

III. c. #1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118- 1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments

Mr. Blank asked about whether the State required definitions needed to be adopted. Ms. Wilson agreed to consult with Corporation Counsel on the matter.

**** MS. LIGHTFIELD MOVED TO SEND THE ITEM BACK TO COMMITTEE.
** MR. WHITE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

III. d. #2-10R – Zoning Commission – Proposed amendments regarding changes to non-conforming signs

**** MS. LIGHTFIELD MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#2-10R - Zoning Commission - Proposed amendments to Section 118-1292 General requirements regarding changes to nonconforming signs" and dated January 26, 2010 be approved.**

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

- 1) To implement the Plan of Conservation and Development policy to "Minimize variance requests to the Zoning Board of Appeals" (F.2.1.7, p. 42); and**
- 2) To permit new tenants to change names on existing signs; and**

BE IT FURTHER RESOLVED that the effective date of this action be April 30, 2010.

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

III. e. #3-10R – Zoning Commission – Proposed amendments regarding municipal parking in South Norwalk

****MS. LIGHTFIELD MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#3-10R - Zoning Commission - Proposed amendments to Section 118-1220 regarding Municipal parking in South Norwalk and related technical amendments" and dated February 26, 2010, 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); and**
- 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); and**
- 3) To promote new businesses to locate in existing vacant space in South Norwalk; and**

BE IT FURTHER RESOLVED that the effective date of this action be April 30, 2010.

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

III. f. #2-09M - Zoning Commission - 12 - 44 High Street & Cottage Place – Proposed change from Industrial #1 to Neighborhood Business and Central Business Design District Subarea A

**** MS. LIGHTFIELD MOVED: RESOLVED that the proposed changes to the Building Zone Map as shown upon a certain document entitled "#2-09M – Zoning Commission – 12 - 44 High Street & Cottage Pl – Proposed change to the Building Zone Map from Industrial #1 to Neighborhood Business & CBDD Subarea A" and dated February 12, 2010 affecting property in the First Taxing District, Block 66, Lots 6, 8, 29, 30, 31, 32, 32A, 33, 34 and 41; Block 67, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 23, 24 and adjacent portions of the public ROW all of which are now zoned Industrial No. 1 zone, in whole or in part, and are proposed for change to Neighborhood Business, in whole or in part, except for Lots 29, 30 and 41 which are proposed for change to Central Business Design District (CBDD) Subarea A, be approved.**

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

- 1) To implement the Plan of Conservation and Development policy to implement the recommendations of the Westport-North-Main Corridor Study including the policy "to alter existing development patterns within the corridor in order to promote residential development, reduce retail development, and support walking and public transit." (E.3.1.11, p. 31) ; and**

2) To implement the Plan of Conservation and Development policy to implement the recommendations of the Industrial Zones Committee Report to “Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of office and multifamily residential uses, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods” (A.5.1.1 p.13); and

3) To implement the Plan of Conservation and Development policy to “Preserve and enhance the character of Norwalk” (A.1.1.4, p. 10) ; and to “Preserve the character of residential neighborhoods by minimizing traffic impacts from surrounding uses” (E.3.2); and

4) To implement the Plan of Conservation and Development policy to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and

BE IT FURTHER RESOLVED that the effective date of this action be April 30, 2010.

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

VI. APPROVAL OF MINUTES: March 10 & March 17, 2010

** **MS. LIGHT MADE A MOTION TO APPROVE THE MINUTES OF MARCH 10, 2010.**
** **MR. HARD SECONDED.**
** **MOTION PASSED UNANIMOUSLY.**

** **MS. LIGHT MADE A MOTION TO APPROVE THE MINUTES OF MARCH 17, 2010.**
** **MR. HARD SECONDED.**
** **MOTION PASSED UNANIMOUSLY.**

VII. COMMENTS OF DIRECTOR

Mr. Wrinn stated that there would be an appeal on the Norwalk Hospital item.

Mr. Wrinn said that the appeal had been lost for the New York Yacht Club.

VIII. COMMENTS OF COMMISSIONERS

There were none tonight.

IX. ADJOURNMENT

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

The meeting was adjourned at 11:07 pm.

Respectfully submitted by Charlene Smith.