

ZONING COMMISSION MINUTES

**CITY OF NORWALK
ZONING COMMISSION
June 18, 2008**

PRESENT: Jackie Lightfield, Chair; Bob Keyes, Vice Chair; John Tobin; Larry Bentley; Karen Spencer; James White; Bob Hard

STAFF: Mike Greene; Frank Strauch; Adam Carsen; Lindsay McCurran

OTHERS: Brian Moran; Henry Dittman; Andy Pritchard; Atty. Frank Zullo; Atty. Liz Suchy

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Greene took the roll call.

III. PUBLIC HEARINGS

Ms. Lightfield read the ground rules of a public hearing. Ms. Spencer read the legal notice.

a. #4-08SP - Clover Hill School - 2 Emerson St - Kindergarten school & day care facility in an existing church

Ms. Lightfield opened the public hearing. Attorney Suchy turned in the green cards and showed a map of the area. She stated that the only change proposed at the site was the addition of playground equipment at the rear of the site. She explained that the hours of use would be typical daytime working hours, as well as some Saturday morning use. She said that a list of all activities associated with the property had been submitted to staff. Mr. Moran, on behalf of the directors of Clover Hill School, described the nature of the school and its relation to a Waldorf education.

Ms. Lightfield asked about signage and drop-off plans for students at the site. Mr. Dittman described the likely ingress and egress at the property. Ms. Lightfield suggested that the applicant proactively address the signage issue at the intersection, which she described as heavily trafficked and congested at peak hours. There was a brief discussion of safety at the site during peak hours. Mr. Dittman stated that parents would be educated about the best drop-off locations at the site. Attorney Suchy reiterated that the staff would also be very attentive to the children's arrivals and departures. She also stated that by way

of special permit, daycares and nursery schools are allowed on this site and that there are no neighborhood objections to the proposal.

Mr. Pritchard, a senior warden at Christ Church of East Norwalk, stated that he supported the proposal. He explained that Norwalk lacks nursery schools and that this is a welcome proposal. He said that the proposal would bring in youth, families and the Hispanic community to the area, as well as adding life to the roundabout area. Atty. Suchy added that the site will have no impact on noise or pollution in the area and that it is compliant with the Code of Development.

Ms. Lightfield closed the public hearing.

b. #4-08R - Zoning Commission - Proposed amendments to Article 121 regarding signs and banners for special events in commercial and industrial zones

Ms. Lightfield opened the public hearing. Ms. Spencer read the referral from Dori Wilson. Mr. Greene stated that the announcement mechanism is key with regard to signs and banners. Atty. Zullo expressed support for the proposal.

Ms. Lightfield closed the public hearing.

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

a. Action on Item III a. #4-08SP-Clover Hill School

**** MR. WHITE MOVED: RESOLVED** that application #4-08SP, submitted by Clover Hill School, for a nursery school and day care facility at 2 Emerson Street and as shown on various plans by Dennis Delius, Land Surveyor and architectural plans by Colgan Perry Lawler Aurell Architects, be **APPROVED** with the following conditions:

1. That for all 5 and 6 year olds in attendance at this nursery school, Clover Hill School shall provide the Planning and Zoning Department with the requisite filled-out opt out forms approved by the Norwalk School District; 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 any additional needed soil and sedimentation controls be installed at the direction of the staff (if needed); and
4. That any graffiti on the site, now or in the future, be removed immediately; and
5. That the nursery school population is set at a maximum of 20 children and any proposal to go above this number will require Zoning Commission review and approval; and

BE IT FURTHER RESOLVED that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-350, C Residential Zone 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 June 27, 2008.

** MR. BENTLEY SECONDED.

** MOTION PASSED UNANIMOUSLY.

b. #17-08 CAM - J. Cappiello - 16 Norport Drive - Modifications and additions to single family residence - Report & recommendation

** MR. WHITE MOVED: RESOLVED that application #17-08 CAM, submitted by J. Cappiello, for a single family dwelling at 16 Norport Drive, as shown on plans by Laving Associates, Architects, Ridgefield, CT be approved with the following conditions:

1. That all required departmental signoffs are submitted; and
2. That all required soil and erosion controls be in place before any work occurs on the site; and
3. That any additional soil and erosion controls be installed as directed by staff;

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal and Resource policies and no adverse impacts are anticipated; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 27, 2008.

** MR. BENTLEY SECONDED.

** MOTION PASSED UNANIMOUSLY.

c. #12-08CAM-Gifford-3 River Drive--Additions to single family residence-Report & recommendation

** MR. WHITE MOVED: RESOLVED that application #12-08 CAM, construction of a single-family residence for the property 3 River Drive, as shown on the plan entitled, "Plot Plan prepared for Matt and Joy Gifford, 3 River Drive, Norwalk, Connecticut", Scale 1"=10', Dated March 5, 2008, Revised to May 22, 2008, and certified substantially correct by Charles L. Leonard, CT Land Surveyor License #17072, and as shown on the architectural drawings by Pogacnik Architects dated January 31, 2008, 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 June 27, 2008.

** MR. BENTLEY SECONDED.

** MOTION PASSED UNANIMOUSLY.

d. #2-06SP-Beth Israel Synagogue-40 King St-Addition of Mikvah structure-Request for extension of approval time-Report & recommendation

** MR. WHITE MOVED: RESOLVED by the Norwalk Zoning Commission that the required zoning permits for #2-06SP-Beth Israel Congregation-40 King Street-Addition of Mikvah structure be extended for a period of one (1) year; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 27, 2008.

** MS. SPENCER SECONDED.

** MOTION PASSED UNANIMOUSLY.

e. #14-08CAM-West Pine Place LLC-1 West Ave-Mixed use development-Report & recommendation

** MR. WHITE MOVED: RESOLVED that application #14-08 CAM, submitted by West Pine Place, LLC, for a mixed use development, as shown on plans by The Sullivan Architectural Group, Norwalk, CT be approved with the following conditions:

1. That all required departmental signoffs are submitted; and
2. That all required soil and erosion controls be in place before any work occurs on the site; and
3. That any additional needed soil and erosion controls be installed as directed by staff;
4. That a painted crosswalk at the intersection of West Avenue and Pine Street be striped in accordance with DPW requirements.

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal and Resource policies and no adverse impacts are anticipated; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 27, 2008.

** 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 "#4-08R - Zoning Commission - Proposed amendments to Article 121 regarding signs and banners for special events in commercial and industrial zones" and dated May 8, 2008, be approved. **BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Development goal to "review and improve sign regulations" (p. 55); and
- 2) That banners be permitted 30 days prior to the event, for the duration of the event and 7 days after the event; and

BE IT FURTHER RESOLVED that the effective date of this action be June 27, 2008.

**** MR. BENTLEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #1-08R - Zoning Commission -Proposed amendments to establish a new Silvermine Tavern Village District- Report & recommendation

**** MR. KEYES MOVED: RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#1-08R - Zoning Commission - Proposed amendments to Article 50 to establish a new Section 118-531 Silvermine Tavern Village District" and dated as revised to June 18, 2008, be approved. **BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development goal (as adopted effective March 14, 2008) to "maintain and expand Village Districts to preserve the character of the districts, to improve the design of buildings and their relationship to the streetscape, and to protect resources of historical and architectural significance..." (p. 43); and?
- 2) To preserve the unique character of the historic Silvermine Tavern properties; and
- 3) To implement the Plan of Conservation and Development goals to increase public access to the waterfront by encouraging "public walkways as part of developments" (p.22); and
- 4) To "retain the character of existing neighborhood commercial centers" (p. 19) and to ensure that future development is compatible with the surrounding residential neighborhood; and
- 5) To implement the Plan of Conservation and Development goal to "minimize the number of non conforming uses" (p.17); and
- 6) To protect adjacent residential property owners from activity at the Tavern through landscaped buffers and other measures designed to limit impacts on neighboring properties; and

BE IT FURTHER RESOLVED that the effective date of this action be June 27, 2008.

**** MR. BENTLEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c. #1-08M-Zoning Commission-192-194 Perry Avenue/Silvermine Ave & 1 River Road- Proposed map change from AA and A Residence to Silvermine Tavern Village District- Report & recommendation

**** MR. KEYES MOVED: RESOLVED** that the proposed changes to the Building Zone Map as shown on a certain document entitled "#1-08M - Zoning Commission - 192-194 Perry Avenue/Silvermine Ave & 1 River Road - Proposed change to the Building Zone Map from AA & A Residence to Silvermine Tavern Village District" and dated March 31, 2008, be approved.

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

- 1) To implement the Plan of Conservation and Development goal (as adopted effective March 14, 2008) to "maintain and expand Village Districts to preserve the character of the districts, to improve the design of buildings and their relationship to the streetscape, and to protect resources of historical and architectural significance..." (p. 43); and
- 2) To preserve the unique character of the historic Silvermine Tavern properties; and
- 3) To ensure that future development is compatible with the surrounding residential neighborhood; and
- 4) To implement the Plan of Conservation and Development goal to "minimize the number of non conforming uses" (p.17); and

BE IT FURTHER RESOLVED that the effective date of this action be June 27, 2008.

**** MR. WHITE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES: May 21, 2008 and May 29, 2008

The Commission agreed to defer approval of the May 21, 2008 minutes until the next meeting, because some Commissioners had not received copies of the minutes.

Mr. Greene agreed to add explanatory sentences to the May 29, 2008 minutes, which had been taken by staff.

VII. COMMENTS OF DIRECTOR

Mr. Greene stated that the Plan of Conservation and Development had been signed by the mayor. He reiterated that the PCD is purely advisory.

VIII. COMMENTS OF COMMISSIONERS

There were none tonight.

IX. ADJOURNMENT

**** MS. LIGHTFIELD MOVED TO ADJOURN.**

**** MR. BENTLEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:12 pm.

Respectfully submitted by Charlene Smith