

**ZONING COMMISSION MINUTES**

**CITY OF NORWALK  
ZONING COMMISSION  
MAY 21, 2008**

PRESENT: Jackie Lightfield, Chair; James White; Karen Spencer; Robert Hard: Andrea Light; Robert Keyes; John Tobin

STAFF: Mike Greene; Mike Wrinn; Vladimir Mariano; Lindsay McCurran

OTHERS: Mike Mocciae; Todd Bryant; Attorney Liz Suchy; Henry Gait; Lou Schulman; Mary Ann Case; Peter Viteretto; Jerry Gleason; Lee Levey; Frank Whitman; Frank DeMilo; Peter Lane; Bill Papier; Doug Hempstead, Common Council; Attorney Frank Zullo; Patsy Brescia; Granville Ackerman

**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**

a. #3-08SP - Trane US, Inc. - 145 Main Street - 6,500 sq ft of wholesale distribution

Ms. Lightfield opened the public hearing. Attorney Suchy turned in the green cards and described the details of the site. Ms. Lightfield asked about the gate on the property. Attorney Suchy said that it was for emergency and construction access. There was a discussion of traffic in and out of the site, including that generated by deliveries, employees and retail customers. Attorney Suchy said that the applicant was not anticipating off-hours deliveries. Ms. Spencer asked where retail customers would be entering. Attorney Suchy said they would most likely come through the front, whereas other users will go through the back. Mr. Keyes asked about the size of the delivery trucks. Mr. Gait said that the trucks are Econoline 250 vans. Ms. Lightfield closed the public hearing

b. #11-07SP/#3-07MV - The Shop - 321 Westport Avenue - Motor vehicle used car sales/repair license - Revocation of special permit

Ms. Lightfield opened the public hearing. Mr. Wrinn stated that the revocation of a permit is unusual and that the applicant has had no compliance. He said that notices have been given to the applicant and to neighbors. Mr. Tobin asked what the date of the

original approval was. Mr. Wrinn said it was August, 2007. Ms. Lightfield closed the public hearing.

c. #18-07R - Zoning Commission - Proposed amendments to Section 118-830 regarding bus shelters and operational facilities

Ms. Lightfield opened the public hearing. Mr. Greene discussed the regulations regarding two-story buildings in the area. Ms. Light read a referral from the Planning Commission recommending that the application be approved and that photo-voltaic panels be used, if possible. Ms. Light also read a referral from Marcy Balint, of Coastal Management. There was a discussion of photo-voltaic lighting. Ms. Lightfield closed the public hearing.

d. #2-08R - Zoning Commission - Proposed amendments to Section 118-340 farmers markets in public parks of 5+ acres in B Residence zone

The Commission agreed to hold this public hearing first this evening. Ms. Lightfield opened the public hearing. There was a brief discussion of possible locations for farmers markets in Norwalk. Mr. Mocciae stated that having the farmers market at Fodor Farm would add pizzazz to Fodor Farm. Ms. Light read a referral from Planning Commission supporting the proposal. Mr. Bryant, 23 Morgan Avenue, stated that he supported the application strongly. Ms. Lightfield closed the public hearing.

e. #1-08R - Zoning Commission - Proposed amendments to establish a new Silvermine Tavern Village District

The Commission agreed to consider this item together with item III f.

f. #1-08M - Zoning Commission - 192-194 Perry Avenue/Silvermine Ave & 1 River Road - Proposed changes to the Building Zone Map to change from AA and A Residence to Silvermine Tavern Village District

Ms. Lightfield opened the public hearing. Mr. Greene showed photographs of the area and indicated that the plan is part of the Plan of Conservation and Development. He discussed the idea of traffic calming in the area. He also reiterated the primary aims of the proposal. Ms. Light read a referral from the Planning Commission supporting the proposal.

Mary Ann Case, 191 Perry Avenue, stated that she opposed the changes to the area, explaining that the language of the proposal needs to be less flexible in order to prevent more uses being added to the site. She discussed concerns about traffic, noise, obstructed views, setbacks, and property values.

Todd Bryant, 23 Morgan Avenue, representing the Norwalk Preservation Trust, said that he generally supported the proposal. He acknowledged Frank Whitman's commitment to the preservation of the property. He also acknowledged the fact that a Village District is

being proposed within a residential neighborhood. He proposed a few alternatives, including a conservation or preservation easement, the consideration of the group of buildings as a Historic District, or the incentive of a tax credit eligibility for the buyer.

Peter Viteretto, a nearby resident, said that he was in favor of the intent of the Village District, but that he was concerned about the need for a consultant, familiar with preservation, to oversee changes at the site, particularly those involving the landscape of the site.

Jerry Gleason, 6 Old Kings Highway, stated that he was concerned about the changes at the site. He discussed the nature of the area as a community gathering point.

Lee Levey, 100 Comstock Hill Avenue, also discussed the site as a community gathering point. He also pointed out that the proposal allowed greater utilization of space and resources within many of the buildings. He described the nature of the septic system and the reserve area. He urged the Commission to use this proposal as a framework to preserve the Tavern buildings and the quality of the area.

Frank Whitman, 300 Silvermine Avenue, stated that as the owner of the property, he would describe it as a "dinosaur." He said that the area has great character, but that it is difficult to operate due to the lack of handicap access, lack of insulation, clientele changes and economic pressures.

Frank DeMilo, a nearby resident, discussed his concerns about the impact of parking.

Peter Lane, 3 River Road, stated that he wished to preserve the area, but that it was necessary to create some flexibility regarding the site.

Bill Papier, 6 Green Hill Road, requested a delay in a decision regarding the proposal, in order to allow for some other choices regarding the site.

Doug Hempstead said that there was a time clock ticking with regard to the Tavern. He described the community's struggle to keep neighborhood icons intact. He said that the Village District status represents a layer of protection that does not exist now. He said that the proposal was a balanced solution and a way to avoid converting the area to "McMansion" homes.

Attorney Frank Zullo, representing Frank Whitman, stated that this proposal helped to allay the "what-ifs" with regard to the property. He reiterated that Mr. Whitman wants to sell the property as a complex, rather than risk splitting it into residential lots. He also emphasized that the only increase in parking would be for the 7,000 square foot building. He stated that the proposal involved an addition of 1,000 square feet to the total complex, not to each building.

Patsy Brescia, 136 East Avenue, discussed Mr. Whitman's concern with preserving the area. She said that this proposal was an opportunity to save the Tavern and to preserve the whole area.

Granville Ackerman, 6 Silvermine Way, acknowledged Mr. Whitman's concern with preserving the Tavern. He also congratulated Mr. Greene's work with the neighbors in the area. He said that the Commission should do whatever is necessary to preserve the area.

Ms. Lightfield closed the public hearing.

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

a. Action on Item III a. #3-08 SP-Trane US, Inc.-145 Main Street-6,500 sq ft of wholesale distribution

**\*\* MR. WHITE MOVED: RESOLVED** that application #3-08 SP, submitted by Trane USA, Inc, for a wholesale distribution and retail store at 145 Main Street, as shown on various plans by Ryan and Faulds, LLC, Land Surveyors, Wilton, CT and Connecticut Trane, Farmington, CT, be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all dumpster containers be properly screened with a fenced enclosure; and
4. That all signs on the property be in conformance with the regulations; and

**BE IT FURTHER RESOLVED** that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-522, Business #2 and Section 118-1450, Special Permit; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 29, 2008.

**\*\* MS. LIGHT SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

a. Action on Item III b. #11-07 SP/#3-07MV-The Shop-321 Westport Avenue-Motor vehicle used car sales/repair license-Revocation of special permit

**\*\* MR. WHITE MOVED: RESOLVED** that the permittee, #11-07 SP/#3-07MV, The Shop, LLC, 321 Westport Avenue, Motor vehicle used car sales/repair license, no longer complies with the Building Zone Regulations, Section 118-522, Business No. 2 Zone and Section 118-1450, Special Permits; and

**BE IT FURTHER RESOLVED** that the original approval for special permit by the Zoning Commission be null and void and further be revoked; and

BE IT FURTHER RESOLVED that the effective date of this revocation of special permit shall be May 30, 2008.

\*\* MS. LIGHT SECONDED.

\*\* MOTION PASSED UNANIMOUSLY.

b. #5-08CAM - Muro - 28 ½ Shorefront Drive - Construction of single family residence - Report & recommendation

\*\* MR. WHITE MOVED: RESOLVED that application #5-08 CAM, construction of a single-family residence for the property 28 ½ Shorefront Park Drive, as shown on the plan entitled, "Plot Plan of property prepared for Joseph A. Muro, II, 28 ½ Shorefront Park, Norwalk, Connecticut", Scale 1"=20', Dated March 27, 2007, Revised to April 7, 2008, by Wayne J. Arcamone, CT Land Surveyor License #15773, and as shown on the architectural drawings by Bluepoint Design dated April 10, 2008, and as shown on the site development plan by Richard Bennett Associates, dated with revisions, April 29, 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 May 30, 2008.

\*\* MS. LIGHT SECONDED.

\*\* MOTION PASSED UNANIMOUSLY.

c. #17-04CAM - 140 Rowayton Avenue LLC - 140 Rowayton Avenue - Reconstruct/addition to existing shopping center & new 2 ½ story multifamily building with accessory garage - Request for release of surety - Report & recommendation

\*\* MR. WHITE MOVED: RESOLVED that surety held for coastal site plan application #17-04CAM - 140 Rowayton Avenue LLC - 140 Rowayton Avenue - Reconstruct/addition to existing shopping center with new 4 unit multifamily building and new accessory retail/office building be released, as all the required improvements have been installed and are in satisfactory condition; and

BE IT FURTHER RESOLVED that a maintenance surety be held for a period of one year to ensure that all the improvements are maintained.

BE IT FURTHER RESOLVED that the effective date of this action be May 30, 2008.

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

d. #2-96SP - Splash LLC - 186 Westport Av - Carwash - Request for release of surety - Report & recommendation

\*\* MR. WHITE MOVED: RESOLVED that the surety held on application #2-96 SP, Splash Car Wash, 186 Westport Avenue be released, as all of the required improvements have been properly maintained

BE IT FURTHER RESOLVED that the effective date of this release shall be May 29, 2008.

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

e. #3-01SPR/#8-97SPR - 45 Glover Av LLC (Xerox) - 45 Glover Avenue - Modifications to approved development park sign plan - Report & recommendation

\*\* MR. WHITE MOVED: RESOLVED that the approved Development Park signage plan for #8-97SPR, #3-01SPR and #4-01SPR located at 801, 901 & 1001 Main Avenue (aka 25, 35, & 45 Glover Avenue); be modified to change the approved corporate logo sign for 45 Glover Avenue from Hewitt to the new Xerox logo with ball graphic above the text as shown on the development park sign plans entitled "Signage Relocation 45 Glover Avenue" by Perkins Eastman Architects dated July 12, 2007 as revised to April 21, 2008, subject to the following conditions:

- 1) That any future signs will comply with at least two characteristics, currently color and letter size, of the approved signage plan; and
- 2) That any modifications to the approved plan be submitted for review and approval by the Commission; and

BE IT FURTHER RESOLVED that the effective date of this action be May 30, 2008.

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

f. Town of Westport referral - Saugatuck Avenue - Creation of new lot & construction of sewer pump station - Report & recommendation

\*\* MR. WHITE MOVED: RESOLVED that the staff be directed to contact the Town of Westport with the following comments regarding Saugatuck Ave.-Creation of a new lot & construction of a sewer pump station:

That the pump station building (valve house) façade be unobtrusive and not have any obvious distinction between the City of Norwalk and the Town of Westport.

\*\* MS. SPENCER SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.

#### V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

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

NOTE: Action on zoning amendment must precede action on zoning map change

c.#18-07R - Zoning Commission - Proposed amendments to Section 118-830 regarding bus shelters and operational facilities

\*\* MR. KEYES MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#18-07R - Zoning Commission - Proposed amendments to Section 118-830 regarding bus shelters and operational facilities" and dated November 30, 2007, be approved.

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

- 1) To support convenient, reliable and efficient bus and Dispatch A Ride service as per the Plan of Conservation and Development (p.41); and
- 2) To encourage up to date Wheels bus and transit facilities; and
- 3) To encourage the use of solar and Photovoltaic panels on roof of shelter if practically and esthetically applicable; and

BE IT FURTHER RESOLVED that the effective date of this action be May 30, 2008.

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

d.#2-08R - Zoning Commission - Proposed amendments to Section 118-340 farmers markets in public parks of 5+ acres in B Residence zone

\*\* MR. KEYES MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#2-08R - Zoning Commission - Proposed amendments to Article 30 to permit farmers markets in public parks in B Residence zones" and dated March 27, 2008, be approved.

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

1. To implement the Plan of Conservation and Development goal to "provide equipment and facilities which encourage better utilization of neighborhood parks; (p. 53) and
- BE IT FURTHER RESOLVED that the effective date of this action be May 30, 2008.

\*\* MS. SPENCER SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.

e. #1-08R - Zoning Commission - Proposed amendments to establish a new Silvermine Tavern Village District

- \*\* MR. KEYES MOVED THIS ITEM BACK TO COMMITTEE.
- \*\* MS. SPENCER SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

f.#1-08M - Zoning Commission - 192-194 Perry Avenue/Silvermine Ave & 1 River Road  
- Proposed changes to the Building Zone Map to change from AA and A Residence to Silvermine Tavern Village District

This item was considered together with item III e.

VI. APPROVAL OF MINUTES: April 16, 2008

- \*\* MS. LIGHT MOVED TO APPROVE THE MINUTES.
- \*\* MR. KEYES SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

VII. COMMENTS OF DIRECTOR

Mr. Greene stated that he would be meeting with the Redevelopment Agency next week.

VIII. COMMENTS OF COMMISSIONERS

There were none tonight.

IX. ADJOURNMENT

The meeting was adjourned at 9:35 pm.

