

**CITY OF NORWALK
ZONING COMMITTEE
SEPTEMBER 10, 2009**

PRESENT: James White, Chair; Jackie Lightfield; Bob Keyes; Andrea Light; Larry Bentley; John Tobin; Michael Mushak; Adam Blank; Karen Spencer

STAFF: Mike Greene; Mike Wrinn; Frank Strauch

OTHERS: Atty. Liz Suchy; Mark Nevis; Shannon Rutherford; Larry Bork; Atty. Vetter; Bruce Beinfield; Kim Morque

I. PROPOSED AMENDMENTS TO THE BUILDING REGULATIONS & SPECIAL PERMITS

a) #7-09R/#7-09SP - Norden Place, LLC - 8 Norden Place - Proposed amendments to Section 118-711 to permit multifamily and single family dwellings by special permit in Restricted Industrial zone and special permit for 240 multifamily units, 4 single family residences (25 units to be designated as workforce housing units) and related recreation facilities - Further review

Mr. Greene stated that the Planning Commission had recommended approval of the zoning amendment. He said that tonight's meeting should address affordable housing, the deed restriction, and the modifications to the building itself.

Atty. Suchy discussed the architectural changes, particularly with regard to the mass of the building.

Mr. Bruce Beinfield stated that in response to the Committee's concerns, the applicant had suggested adding dormers to break up the roof line and also a change in the color scheme.

Ms. Spencer asked if there were leakage problems with the gables. Mr. Beinfield said that there would not be, if the gables were built correctly.

The Committee expressed satisfaction with the changes.

Atty. Suchy reiterated that the Planning Commission had positively recommended the text amendment. She addressed the issue of public access, pointing out the applicant had proposed a gravel path with benches, as part of the recreation area.

Mr. Mushak asked about the wetland area and the possibility of an interpretive sign.

Ms. Light asked about the opinion of neighborhood groups. Mr. Kim Morque said that there had been several meetings with neighborhood groups, who expressed concern about traffic, but were otherwise amenable to the project.

Ms. Lightfield asked when the construction would begin. The applicant stated that the

start date would depend on market conditions, but that the goal was to begin in 2010.

Mr. Blank stated that it did not seem worthwhile to get rid of industrial space, given the small number of affordable units proposed for the site.

Ms. Lightfield said that the affordable housing regulation included nothing to differentiate property that was in an industrial space.

Mr. Blank said that the Committee was not bound by the 10% guideline and disagreed with putting the site in this location as if it were standard residential.

Ms. Lightfield pointed out that the industrial area in question was an “island” surrounded by residential areas.

Mr. Bentley stated that there was no realistic way for the developer to put more affordable units on the lot.

Ms. Lightfield said that the City had only one building constructed under the affordable housing regulation and thus it was too early to tweak the regulation.

Mr. Keyes addressed the concern regarding the access road in Westport.

Ms. Lightfield reminded the Committee that it had considered the Industrial Zone report and also that it adopted the Master Plan.

Mr. Greene clarified that the Master Plan actually indicated 15% affordable housing.

Ms. Lightfield reiterated that she supported the 10% affordable housing regulation and that there had not been enough time to evaluate whether it was a good regulation yet.

Mr. Mushak stated that the project contributed to a public good, in that 1/3 of the site had been given to Conservation.

The Committee agreed to hold a public hearing on October 21.

b) #1-09R - Zoning Commission – Proposed amendments to Articles 10 and 50 to add new definition for medical office and related technical amendments – Review of public hearing

Mr. Greene mentioned the change concerning optometrists and ophthalmologists.

Ms. Lightfield said that there was no need for a new definition of medical office, given how quickly the industry was changing.

Mr. Blank agreed, stating that a “licensed healthcare provider” was synonymous with a physician.

Mr. Greene addressed the notion of permissive definitions.

Mr. Blank asked if Norwalk Hospital in theory would be permitted to open up a radiology office elsewhere. Mr. Greene said yes, but added that the problem would arise if there were more than one such office.

Mr. Mushak pointed out that there were a lot of examples of facilities that fell outside of the medical office definition.

Mr. Blank asked if i-Park were considered medical office. Mr. Greene said yes.

Ms. Lightfield discussed the shortcomings of the proposed definition.

Mr. Greene said that a regulation could not be expected to cover every possibility concerning the item, pointing out that sorting out such possibilities was the responsibility of the ZBA.

Ms. Spencer asked whether it would be easier to have a definition or not to have one. Mr. Greene said that it was easier to have one.

Mr. Blank addressed the idea of “surgical care facilities,” as defined by the Connecticut Department of Public Health.

The Committee agreed to adjust its proposed definition to read, “*Medical Office—An establishment used by a licensed health care provider which does not include any hospital or outpatient surgical care facilities as defined by the Connecticut Department of Public Health.*”

c) #6-09R/#6-09SP – Norwalk Emergency Shelter, Inc. – 2 Merritt Place/Chestnut Street - Proposed amendments to Industrial #1 zone to permit a transient residence facility by special permit and special permit for a transient residence facility with 106 beds, 9 family units & 9 efficiency apartments and related facilities – Review of public hearing

Mr. Greene showed the site and stated that the item would go to for action at the next meeting.

Mr. White stated his opposition to the project, citing constant violations, bad community relations and a skewing of the number of people served by the shelter. He said that the directors had been bad neighbors and had not done anything to improve the current facility. He added that if the directors had the funds to buy the new facility before it was even approved, they should have been able to improve security at the current facility.

Ms. Lightfield pointed out that it was not just residential neighbors, but also nearby businesses that had problems with the current shelter.

Mr. Bentley stated that the answers of the shelter director at the last meeting had been disappointing.

Mr. Tobin said that the director had appeared unknowledgeable.

Mr. Mushak stated that the reason for the shelter's problems was that it was compelled to push all the residents out the door in the morning due to a lack of space. Ms. Lightfield said that the facility chose to dismiss residents in the morning. Mr. Mushak countered that this was because the shelter had no community rooms or space in which to improve its resources.

Ms. Lightfield also stated that the directors had an ineffective procedure in place for intake.

Mr. White said that the police officer who had spoken at the public hearing was a member of the board of the shelter.

Mr. White reiterated that there was no compelling reason to make a special exception for this applicant.

Ms. Lightfield recapped the shortcomings of the application, stating that when the applicant came to Zoning two or three years earlier, it had recommended changes, none of which were made. She also said that there was no concrete plan regarding the old building and that the applicant was asking the commission to take it on faith that a new facility would represent an improvement. She said that the application was basically an expansion of what was there now. She added that the neighbors were unanimously opposed to it.

Mr. Mushak pointed out that the most strident person to speak at the hearing had been seriously incorrect in his facts. Mr. Mushak added that other cities had state-of-the-art facilities to serve the homeless.

Ms. Lightfield reiterated that the facility was not only small, but very poorly managed.

Mr. Bentley said that the applicant had turned a deaf ear before with regard to the Commission's recommendations, which did not bode well for this one.

d) Zoning Commission – Cedar Street/Fairfield Avenue - Proposed Golden Hill Village District – Status report

Mr. Greene gave background regarding the merchant association.

Mr. Blank asked about the benefit of the village district. Mr. Greene explained that the village district was the only district in which one had the benefit of architectural review.

Mr. White said that the village district imposed an additional set of regulations and infringed on the rights of property owners.

Mr. Blank pointed to the importance of everyone in the neighborhood being in agreement about the change.

Mr. Mushak discussed façade improvements and architectural consistency, pointing out that the village district provided a mechanism that had been used successfully in many places.

Ms. Light asked Mr. Mushak to explain his role in connection to the proposal. He said that he did not own property on the street, but that it was nearby his own property. He reiterated that the property owners were in agreement and the mechanism was available, pointing out that the district was simply asking to put the mechanism to use.

e) Comments of Commissioners

There were none tonight.

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

**** MS. SPENCER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:11 pm.

Respectfully submitted by Charlene Smith.

