

**CITY OF NORWALK
ZONING COMMITTEE
NOVEMBER 12, 2009**

PRESENT: Bob Keyes, Chair; James White; Jackie Lightfield; Michael Mushak; Andrea Light

STAFF: Mike Greene; Adam Carsen; Mike Wrinn

OTHERS: Atty. David Waters; Atty. Frank Zullo

Mr. Keyes called the meeting to order at 8:25 pm.

I. PROPOSED AMENDMENTS TO THE BUILDING ZONE REGULATIONS & SPECIAL PERMITS

a) #8-09R/#8-09SP – Norwalk Board of Education – 23 Calvin Murphy Dr/Strawberry Hill Ave - Proposed amendments to Article 121 regarding signs at public high schools in residential zones and proposed changeable copy (automatic) ground sign at Norwalk High School – Review of public hearing

Mr. Greene said that the public hearing had been two months ago and that the Commission needed to vote on the item next week, unless there was an extension.

Mr. White stated his opposition to the item, reiterating that it was the policy to keep signs out of neighborhoods. He said that the demand for such signage would likely spread to middle schools and elementary schools and could also easily lead to advertising on the signs. He said that while he was sympathetic to Norwalk High School, he still opposed the sign, which had been purchased prior to approval.

Mr. Keyes said that the changeable copy would improve the appearance of the sign. He added that there was a public benefit to the sign and also that the majority of the public had favored it. Mr. Keyes said that the concern about setting a precedent for such signage was a valid point, but added that high schools are distinct from other schools, thereby making the precedent not very sweeping.

Ms. Light stated her agreement with Mr. Keyes' points.

Mr. Mushak said that high schools were unique and that the community involvement generated by the school should be considered. He also cited the reduction in paper signs that would result from the project's approval.

Mr. White stated that if the use were allowed in one area, it was likely to be requested in other areas.

Ms. Light addressed the issue of communication at the elementary level versus that at the high school level.

Ms. Lightfield pointed out that the communication issue was larger than this sign issue. She requested that the Commission remain focused on the land use issue, adding that she doubted that many people actually relied on the signage for information. She emphasized that the Commission needed to determine how to regulate signs, taking into account technology.

Mr. White added that as technology evolved, applicants would be expecting more and more from their signage.

Ms. Lightfield pointed out that the Bed Bath & Beyond sign had been lit constantly and had generated complaints from neighbors, adding that the proposed sign's proximity to residences needed to be considered. She added that technology could easily allow for capabilities far beyond the limitations set by zoning regulations.

Mr. Mushak asked if the text amendment addressed brightness. Mr. Greene said that it only addressed time, but that it gave specs about brightness. He clarified that once the amendment was made, no conditions could be added. He added that conditions could be made on a special permit.

Mr. Mushak asked if the signage could be required to be non-distracting. Mr. White said that the description was too subjective.

Mr. Mushak asked about the counts on the neighborhood petition. Mr. Greene said that the two nearest residents opposed the project, but that others favored it. He added that the item could be amended to include only certain hours of operation. Mr. Keyes stated that it should operate only from 7 am. to 8pm.

Mr. White pointed out that if the sign was only in operation during these hours, then its purpose could be served just as well with the sign placed in the interior driveway.

There was a discussion of how to reduce paper signage, once the proposed sign was operating.

Mr. Mushak said that the sign could be considered a type of kiosk. Ms. Lightfield disagreed, pointing out that kiosks do not serve drive-by observers.

Ms. Lightfield added that the name of the high school should be indicated somewhere on the sign. She also stated concern with how the conditions could be enforced, as the Board of Education did not always comply with such regulations.

Mr. Keyes addressed the idea of adding more landscaping to the sign area. Mr. Greene discussed lighting and foot candles.

Ms. Lightfield reiterated that the Commission needed to specifically address technological limits regarding brightness, pointing out that distinctions such as "adverse impact" were not very effective. Mr. Keyes reminded the Committee of the 16 levels of brightness discussed by the applicant in the speculations.

Ms. Lightfield reiterated the need to have effective recourse, in the event of a lack of compliance. She urged the Commission to avoid passing bad legislation, by having a lack of enforcement options.

The Committee agreed to send the item to full Commission.

b) #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 – Review of public hearing

Mr. Greene stated that there were no remaining issues for staff to address. He discussed the water treatment plant.

Mr. White said that he did not foresee a significant impact on the school system.

Ms. Lightfield summarized the issues surrounding the proposal. She reiterated that she had been consistently protective of industrial land, but that the mixed-use space involved in the project was a good use of the site. She explained that residents never welcome more traffic, but that residential use still had the least traffic impact. She also pointed out that the applicant's traffic studies were based on standards. Ms. Lightfield added that the fact that the conservation easement would put the land in perpetuity also represented another plus.

Mr. White stated that he agreed with Ms. Lightfield's comments about the benefits of the project. He reminded the Commission that similar arguments about traffic and speeding on back roads had been made concerning the housing proposal on Dairy Farm Road, but that the problems had not actually proved to be significant.

Mr. Mushak said that the three issues raised by the public had been the environment, the infrastructure, and traffic. Addressing each of these concerns, Mr. Mushak stated that there would be no impact on the ground water, which had been monitored for years by the DEP. He also explained that capital projects have already addressed concerns about the infrastructure, pointing out that the agencies, such as DPW and WPCA, that control these concerns have earned the trust of the Commission. With regard to traffic, Mr. Mushak said that Strawberry Hill Avenue was a significant concern to residents, but that the most important point was that the site would involve 86% more traffic if it were industrial, a situation which he described as "a tsunami of traffic."

Mr. White pointed out that the residents opposed to the project tended to be opposed to every proposed development of the property.

Mr. Mushak read information about ground water control, reiterating that people's concerns needed to address the appropriate agencies. He discussed the notion of brown-field development.

Mr. Greene discussed the text amendment and the conditions involved in the special permit. He said that some conditions, such as traffic-slowng measures, a parking waiver, public access to the conservation easement, and the sidewalk at Norden Place, had not been discussed at length yet.

Mr. Mushak addressed the issue of mixed-use development and smart growth, adding that the impact of the project had been blown out of proportion at the public hearing.

The Committee agreed to send the item to full Commission.

II. PROPOSED AMENDMENTS TO THE BUILDING ZONE REGULATIONS & PROPOSED CHANGES TO THE BUILDING ZONE MAP

a) #10-09R/#1-09M - Zoning Commission – 59 – 87 Cedar Street/100 Fairfield Avenue - Proposed amendments to establish a new Golden Hill Village District and proposed changes to the Building Zone Map from Neighborhood Business to Golden Hill Village District – Further review

Mr. Greene showed the property on a map and said that he had met with property owners. He addressed concerns about the condition limiting retail over 8,000 square feet. He also stated that the owners preferred the two-story buildings and supported the tear-down of non-conforming buildings.

Mr. White objected to the proposal, stating that it was a mistake to segregate areas of the City with different zoning regulations. He said that the design guidelines should be recommended, not mandated. Mr. Mushak pointed out that residents actually preferred the mandated design guidelines, adding that the guidelines were not actually mandatory. He said that architects would report to the City, which was a clear advantage.

Mr. White said that as a property owner, he would not want his commercial neighbors to tell him how to develop his property.

Ms. Lightfield pointed out that the village district would bring back consistency to the area and would improve property values.

The Committee agreed to send the item to full Commission in January 2010.

b) Comments of Commissioners

Mr. White discussed the problems experienced at last month's public hearing concerning Norden Place, citing "show-boating" and a lack of respect as serious concerns.

The Commission considered what means could be used to ensure that Council members adhered to higher standards of conduct as public officials.

Mr. Mushak pointed out that members of the public would be intimidated about voicing their opinions, if they were subjected to behavioral standards that resembled those seen on "The Jerry Springer Show."

Ms. Lightfield added that she objected to the blatant misstatement of facts that she observed at the hearing.

Mr. Wrinn pointed out that even though a good discussion had been derailed at the hearing, the Commission could still make a good decision concerning the item.

Mr. White re-stated his objection to the behavior of the involved Council member.

The meeting was adjourned at 10:07 pm.

Respectfully submitted by Charlene Smith