

**CITY OF NORWALK
ZONING COMMISSION
OCTOBER 19, 2011**

PRESENT: Joe Santo, Chairman; Nathan Sumpter; David McCarthy; Jill Jacobson; Emily Wilson; Michael O'Reilly; James White; Adam Blank; Mike Mushak;

STAFF: Michael Greene; Adam Carsen

OTHERS: Atty. Eric Bernheim; Gary Opus; Gino Vona; Ron Czebiniak; Atty. Frank Zullo; Charles Wiziski

I. CALL TO ORDER

Joseph Santo called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mike Greene took the roll call.

Before the public hearings began, Mr. Santo presented a plaque to Robert Hard, a former Zoning Commission member who recently left the commission. Mr. Hard thanked the people of the City of Norwalk and Mr. Santo.

III. PUBLIC HEARINGS

a. #4-11R – D. Friedman – Proposed amendment to the East Avenue Village District to permit offices of Business Service establishments as a principal use

Atty. Bernheim, who represented Mr. Friedman and Flagstar Limousine, which operates out of 104 East Avenue, began the presentation. His clients proposed to change the regulation to permit the office functions of taxi and limousine services. Historically, taxi and limo services were not permitted in this zone because they would keep their vehicles on site. In recent years, this has not been the case. The drivers now own their vehicles and store them at their own homes. The offices usually handle business functions such as accounting and dispatching the vehicles. The proposed language would prohibit the storage and parking of vehicles on-site. They had submitted a memo further detailing the proposed use. Also, Mr. Bernheim addressed a concern raised by Ms. Dori Wilson, a member of the Planning and Zoning Dept. staff who noticed a psychic sign put up by a resident at 106 East Avenue, also owned by Mr. Friedman. The sign has been taken down. Mr. White clarified that there would be no parking at all to pick up paychecks, etc. Mr. Bernheim assured him that his clients understood that. Mr. Blank noticed a mistake in the proposed language which would be amended at the time of the vote.

Mr. McCarthy read comments from the Planning Commission and CAM into the record. There were no other comments from the commissioners or the public.

Mr. Santo closed the public hearing.

b. #6-11R – Zoning Commission – Proposed amendments to revise the definition for

contractor's storage yards

Mr. Santo opened the public hearing by stating that there had been some misinformation being discussed that the Zoning Commission would be eliminating contractor's yards in Norwalk. He assured everyone at the meeting that this was not the case.

Mr. Gary Opus spoke in support of the proposed amendment.

Mr. Gino Vona, 2959 Congress Street, Fairfield, CT, and owns a contractor's yard on High St., Norwalk, Ct. He was concerned that the proposed language did not contain the type of masonry materials that he used in his business. After a discussion with the commissioners, he felt comfortable that the language did not prohibit his type of business or materials.

Mr. Ron Czebiniak, who owns property at 2 Sniffen St., began his presentation by stating that he submitted a petition to the Planning and Zoning Dept. last year but had not heard about it. He also was concerned about the amendment. The commissioners told him that he needed to keep his comments germane to the proposed amendment. He asked if there was ever a time that he could speak to the board. They advised him to follow procedures and speak with staff in the Planning and Zoning Dept.

Atty. Frank Zullo, representing Mr. Pena, commended the commission for proposing the amendment as quickly as they did. He believed that the City of Norwalk was eliminating places for contractor's yards without finding new places. He recommended the possibility of finding places on Martin Luther King Boulevard.

Charles Wiziski, president of Teddy's Limousine Co. in East Norwalk and resides at 30 Blueberry Lane, Shelton, CT. He wanted to add the word "limousine company" to the amendment so that they have a place to park. The commissioners advised him to speak with the staff about the regulations to become more familiar with them.

Mr. McCarthy read comments from the Planning Commission and CAM into the record. There were no other comments from the commissioners.

Mr. Santo closed the public hearing.

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

a. #3-05SPR – Merritt River Partners – Glover Av – 4 story, 82,700 sf. office bldg – Request for ext of time – Report & recommendation

**** MR. WHITE MOVED: BE IT RESOLVED that the request for a one year extension of time for site plan application #3-05SPR - Merritt River Partners, LLC for 82,700 square foot office building and related site improvements on Glover Avenue (south lot) as shown on a certain set of plans by Perkins Eastman Architects, dated September 2, 2005, by Redniss & Mead, dated September 1, 2005, and related site plans and drawings as revised to October 19, 2005, be APPROVED, subject to the following conditions:**

1. That the original conditions of approval remain in effect; and

2. That the new approval deadline for obtaining permits will be October 28, 2012; and

BE IT FURTHER RESOLVED that the effective date of this action be October 28, 2011.

** MR. MCCARTHY SECONDED.

** MOTION PASSED (9-0)

b. #7-06SPR/#16-06CAM – North Water LLC – 20 N. Water/Washington St – 185,000 sf mixed use development – Request for extension of time – Report & recommendation

** MR. WHITE MOVED: BE IT RESOLVED that the request for a one year extension of time for site plan application #7-06SPR and coastal site plan application #16-06CAM; North Water, LLC – 20 North Water St/Washington St - ±185,000 sq ft mixed use development with 128 multifamily dwelling units, including 13 affordable units, and 26,882 square feet retail in 3 new buildings with 10 public parking spaces and a public plaza with water feature as shown on a set of plans entitled "Norwalk Company Redevelopment, North Water Street, Norwalk, CT." by Beinfield Architecture, PC; Studio ABK Architects LLC; Rotondo Engineering, LLC and other related plans dated March 27, 2006 as revised to October 24, 2006 be APPROVED, subject to the following conditions:

1. That the original conditions of approval remain in effect; and

2. That the new approval deadline for obtaining permits will be November 24, 2012; and

BE IT FURTHER RESOLVED that the effective date of this action be October 28, 2011.

** MR. WILSON SECONDED.

** MOTION PASSED (9-0)

c. DEEP/AC – 6 Woodland Road – Install dock; retain and modify section of seawall – Rpt & recommendation

** MR. WHITE MOVED: BE IT RESOLVED that the staff be directed to contact the Connecticut DEEP and Army Corp of Engineers with the following comments regarding #201103428-SJ – 6 Woodland Avenue – Install a dock for recreational boating access & modify a seawall for flood & erosion control; and

1. That there are no zoning issues associated with this application; and

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices.

** MR. SUMPTER SECONDED.

** MOTION PASSED (9-0)

V. REPORT OF ZONING COMMITTEE, DAVID MCCARTHY, CHAIR

a. Action on Items III a. and b.

#4-11R – D. Friedman – Proposed amendment to the East Avenue Village District to permit offices of Business Service establishments as a principal use

MR. MCCARTHY MOVED TO MODIFY THE FOLLOWING WORDS IN THE AMENDMENT TO INCLUDE: “OR STORAGE OF,” AFTER “USED BY THE ESTABLISHMENT,”

*** MR. MCCARTHY MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#4-11R – D. Friedman – Proposed amendment to Section 118-500 East Avenue Village District to allow offices of business service establishments” and dated revised to September 9, 2011, be APPROVED.**

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

- 1) To implement the Plan of Conservation and Development policy to "Retain the portion of East Avenue zoned East Avenue Village District and maintain it primarily for small-scale professional offices (F.2.2.4, p. 42); and**
- 2) To implement the Plan of Conservation and Development policy to "Maintain & 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” (F.4.1.5, p. 43); and**

BE IT FURTHER RESOLVED that the effective date of this action be October 28, 2011.

**** MR. WHITE SECONDED.**

**** MOTION PASSED (9-0)**

b. #6-11R – Zoning Commission – Proposed amendments to revise the definition for contractor’s storage yards

**** MR. MCARTHY MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#6-11R – Zoning Commission – Proposed amendments to Section 118-100 to revise the definition of contractor’s storage yards” and dated July 22, 2011, be APPROVED.**

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

- 1) To implement the Plan of Conservation and Development policy to “Protect residential neighborhoods from incompatible development” (A.1.1.6, p. 10); and**
- 2) 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**
- 3) To implement the Plan of Conservation and Development policy to “Provide stability in land use and zoning” (F.2.1.2, p.42); and**

4) To assist the Corporation Counsel's office in its efforts to resolve outstanding zoning violations; and

BE IT FURTHER RESOLVED that the effective date of this action be October 28, 2011.

** MR. WHITE SECONDED.

** MOTION PASSED (9-0)

VI. APPROVAL OF MINUTES: September 21, 2011

MR. MCCARTHY MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 21, 2011 MEETING.

** MR. WHITE SECONDED THE MOTION

** MOTION PASSED (9-0)

VII. REPORT OF NOMINATING COMMITTEE

Mr. White reported that he was making recommendations as follows for the election of officers:

Joseph Santo, Chairman

David McCarthy, Vice Chairman

Emily Wilson, Secretary

James White, Plan Review Committee Chairman

David McCarthy, Zoning Committee Chairman

MR. WHITE MOVED to nominate Joseph Santo, as Chairman, David McCarthy, as Vice Chairman, Emily Wilson, as Secretary, James White, Plan Review Committee Chairman and David McCarthy, Zoning Committee Chairman.

Mr. Santo asked if there were any other nominations. There were none.

** MOTION PASSED UNANIMOUSLY.

VIII. COMMENTS OF DIRECTOR

Mr. Greene discussed the parking on the Norden Park project. He told the applicant that they should check the regulations of other surrounding towns as well as sit in on the next Plan Review and Zoning Committee meetings to brainstorm with the commissioners.

He also told the commissioners that as of January 1, 2012, the Plan Review and Zoning Committees will meet in Room 101 of the building.

He gave the commissioners a reminder that the November 2011 meeting had been changed to the 1st Thurs. of the month.

IX. COMMENTS OF COMMISSIONERS

Mr. Blank had a comment on the Plan Review Committee meeting minutes from September. The change would be reflected.

X. ADJOURNMENT

**** MR. MCCARTHY MADE A MOTION TO ADJOURN.
** MR. WHITE SECONDED THE MOTION.
** MOTION PASSED (9-0)**

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Diana Palmentiero