

**CITY OF NORWALK
ZONING COMMISSION
October 16, 2013**

PRESENT: Emily Wilson, Chair; Joseph Santo; Nathan Sumpter; Mike O'Reilly; Jim White; Linda Kruk; Jill Jacobson; Mike Mushak; Harry Rilling (arrived at 8:10 p.m.)

STAFF: Mike Wrinn; Frank Strauch; Brenda Hrtanek

OTHERS: Atty Liz Suchy; Ray Sullivan; Earl Goven; Doug DiVesta; Michael Galante; Eve Ward;

I. CALL TO ORDER

Emily Wilson called the meeting to order at 7:34 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. PUBLIC HEARINGS

a. #2-13M – 34 Oakwood Ave Assoc, LLC - 34 Oakwood Ave - Proposed change to the Building Zone Map from AAA Residence in part & Business #2 in part to entirely Business #2 and b. #5-13SPR – 34 Oakwood Ave Assoc, LLC - 34 Oakwood Ave - Proposed 4 story 72,180 sq ft mixed use development with 53 units and 8,330 sf office space

Ms. Wilson opened the public hearing by stating that there would be one public hearing for these two, separate applications.

Atty Suchy began the presentation by handing in the certified, return receipt cards evidencing that legal notices of the public hearing were sent to the abutting neighbors. She described where the property was as well as the background of the zoning in the area. Then she described the proposed use for the property which would be a mixed use, multi-story building which included residential and office uses. There would be recreation area for the residential units. The applicant also was proposing a landscape plan. In order to begin the project, the zone would have to be changed. Atty Suchy told the commissioners that the Planning Commission recommended approval of the zone change application.

Ray Sullivan, the architect on the project, continued the presentation. He described the residential and the office space in the proposed building. He also described the materials to be used. Mr. Sullivan discussed the interior recreation room as well as the outside recreation area. Mr. Sumpter asked Mr. Sullivan about the location of the work force housing units in the residential building. He said that the six units would be equally disbursed between the floors.

Earl Goven, of Blades & Goven, the landscape architect on the project continued the presentation. He described the parking and the plantings that would be on-site. Since the applicant wanted to make the building look more residential there would be more color in the plantings. Mr. Mushak asked whether a wildflower mix would be used on the slope as well as a maintenance plan for the site. He also showed the commissioners the new walkway and connections on the property.

Doug DiVesta, the engineer on the project, continued the presentation by discussing the drainage plan. He described the run-off from the site as well. The commissioners did not have any questions for him.

Mike Galante, the traffic consultant, continued the presentation by describing the current characteristics and existing volumes in the area. He went over the distribution of site traffic.

Mr. Mushak had a question about the manual control of the intersection at Glover and Main Avenue when the businesses end their work day at Merritt Seven.

Eve Ward, 4 Brown Place, had questions for the applicant. She asked about the maintenance for the flat roofs as well as about the traffic due to cars leaving for work.

Mr. Sullivan handled the rebuttal for this application. He said that most commercial roofs are flat. He said that there was a lot of circulation of cars.

Ms. Jacobson read several letters, including one letter of recommendation from the Planning Commission, into the record.

Atty Suchy made her closing remarks as to why the commissioners should approve the application. At this time, Mr. Mushak thanked the applicant for extending the sidewalk to make it a continuous sidewalk to Glover Avenue.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

a. #11-13SP – Norwalk Public Schools – Rowayton Elementary School – 1 Roton Ave – Construction of gym and additional classrooms - Report & recommended action

**** MR. MUSHAK MOVED: BE IT RESOLVED** that application # 11-13 SP, submitted by the Norwalk Board of Education, for a gym plus classroom additions to the Rowayton Elementary School, 1 Roton Avenue, as shown on various plans by Silver/Petrucelli & Associates, Hamden, CT, dated May 14, 2013 as amended be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
3. That any change to the plan will require Zoning Commission approval; and
4. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED that a Certificate of Special Permit be placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 23, 2013.

**** MR. SUMPTER SECONDED.
** MOTION PASSED UNANIMOUSLY.**

b. #5-08SPR– The Berkeley – Frost Building, LLC - 500 and 550 West Ave – 150,000 sq. ft. mixed-use development - Request for 1 year extension of approval time - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #5-08SPR– The Berkeley – Frost Building, LLC - 500 and 550 West Ave – 150,000 sq. ft. mixed-use development - Request for 1 year extension of approval time be **APPROVED** for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period; and

BE IT FURTHER RESOLVED that the new deadline to obtain zoning and building permits will be September 26, 2014.

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 25, 2013.

**** MR. WHITE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c. #4-12SP – Mary T. Fawcett – 329 & 335 Chestnut Hill Rd – 9 unit conservation development - Request for 1 year extension of approval time - Report & recommended action

**** MR. RILLING MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #4-12SP – Mary T. Fawcett – 329 & 335 Chestnut Hill Rd – 9 unit conservation development - Request for 1 year extension of approval time be **APPROVED** for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period; and

BE IT FURTHER RESOLVED that the new deadline to obtain zoning and building permits will be October 26, 2014.

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 25, 2013.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

d. #17-13CAM – Glazer – 79 Rowayton Ave – New single family residence – Report & recommended action

Mr. Mushak made a public apology to the applicant, Andy Glazer. He said that he reiterated his comments from the October 10, 2013 meeting when he said he appreciated Mr. Glazer's long record of accomplishments in the community including several successful projects. Mr. Mushak did not mean to imply with his comments that he had done anything dubious and he did not question that he had anything but the best interests for the community. After Mr. Mushak's statement, he recused himself from the application and left the room.

Ms. Wilson said that she had received a few requests from neighbors asking for a public hearing as well as for the commissioners to consider public access to the site. At this time, she suggested that the application should be sent back to the Plan Review committee for further study. Mr. Wrinn said that Mr. Glazer would have to extend the Zoning Commission's time for review. Mr. Glazer then said that he was building the house for a client. Although his client would not be pleased, he thought there should be some debate. Mr. Wrinn said that the public hearing could be set in November.

e. #22-13CAM – James Falsey & Two St. James Place LLC – 41 Rowayton Av – New single family residence – Report & recommended action

Mr. Mushak returned to the room.

**** MR. SANTO MOVED: RESOLVED** that application #22-13CAM, construction of a single-family residence for the property 41 Rowayton Avenue as shown on the A-2 Survey titled: "Zoning Location Survey of a Property Prepared For Jim Falsey, #41 Rowayton Ave., Rowayton, Connecticut, Scale: 1"=10, Date: June 27, 2013 and Revised to September 19, 2013" by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and on the architectural drawings dated June 28, 2013 and Revised to August 20, 2013 by Christopher Carpinello, Wilton, CT, 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; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 25, 2013.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, NATHAN SUMPTER, CHAIR

a. Action on Items III a. and b.

NOTE: Action on Building zone map change must precede action on site plan review.

- i. **#2-13M – 34 Oakwood Ave Assoc, LLC - 34 Oakwood Ave - Proposed change to the Building Zone Map from AAA Residence in part & Business #2 in part to entirely Business #2**

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the proposed change to the Building Zone Map as shown on a certain document entitled "#2-13M – 34 Oakwood Ave Assoc. LLC – 34 Oakwood Ave – Proposed Change to the Building Zone Map from AAA Residence & Business #2 to entirely Business #2 zone" dated July 25, 2013 and as shown on a survey entitled "T Map prepared for 34 Oakwood Avenue Associates, L p prepared by RKW Land Surveying and dated revised to June 26, 2013 affecting property in the Fifth Taxing District, Block 38A, Lot 24, property formerly part of the Route 7 ROW and property now part of the City-owned Oakwood Avenue ROW now zoned AAA Residence in part (1.272 acres) and Business #2 zone in part (.755 acres) and proposed for change to entirely Business #2 zone (2.027 acres), be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development policy to "Use streets, the railroad, natural features or property lines as boundaries between different land uses (F.2.1.5, p. 42)
- 2) To implement the Plan of Conservation and Development policy to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
- 3) To implement the Plan of Conservation and Development policy to "Encourage quality housing for a variety of tenures, family sizes, incomes, the senior population, and persons with special needs" (A.2.1.1, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be October 25, 2013.

**** MR. SANTO SECONDED.**

**** MOTION PASSED (6-0).**

- i. **#5-13SPR – 34 Oakwood Ave Assoc, LLC - 34 Oakwood Ave - Proposed 4 story 72,180 sq ft mixed use development with 53 units and 8,330 sf office space**

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the site plan application #5-13SPR – 34 Oakwood Avenue Associates, LLC – 34 Oakwood Avenue – 4 story, 72,180 sq. ft mixed use development with 53 multifamily dwelling units and 8,330 sq ft of office and related recreation area and site improvements as shown on various plans by The Sullivan Architectural Group dated July 18, 2013 as revised to September 12, 2013, by DiVesta Civil Engineering Associates, Inc. dated revised to September 9, 2013 and by Blades & Gloven Landscape Architects dated September 20, 2013 be **APPROVED**, subject to the following conditions:

1. That the "Sidewalk Plan" SK-1 dated October 10, 2013 showing a new sidewalk from the site to connect with the existing sidewalk on the west side of Oakwood Avenue be incorporated into this approval; and
2. That the deed restriction as shown on a certain document entitled "Workforce Housing Affordability Plan" dated July 2013 and related documents showing 3 one-bedroom and 3 two-bedroom units, for a total of 6 (six) workforce housing units, shall run with the land in perpetuity and shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
3. That all required CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
4. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of required erosion and sediment erosion controls; and

5. That all soil and erosion controls be in place and verified by an inspection by staff prior to the start of any work on the site and that any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and
8. That within six months of the issuance of the Certificate of Zoning Compliance for all units a follow-up traffic study be submitted to the Commission; and

BE IT FURTHER RESOLVED that the application complies with the Norwalk Building Zone Regulations, including Section 118-522 Business #2 zone and Section 118-1451, Site Plan Review.

BE IT FURTHER RESOLVED that the effective date of this action be October 25, 2013.

**** MR. SANTO SECONDED.
** MOTION PASSED (6-0).**

VI. REPORT OF NOMINATING COMMITTEE – Election of Officers

Ms. Jacobson reported that her committee decided to nominate Joe Santo, Chairperson, Emily Wilson, Vice Chairperson and herself as Secretary. At this point, Mr. Sumpter nominated Mr. Mushak for Chairperson. Mr. Rilling seconded the nomination. Mr. Mushak thought that they should tell the public about themselves. Mr. Santo declined. Mr. Mushak made a statement as to why he thought he should become Chair. Mr. White also made a statement as to why he thought Mr. Mushak should not become Chair. Mr. Sumpter made a statement in support of Mr. Mushak as Chairperson. Mr. Mushak rebutted Mr. White's comments. Mr. Sumpter asked for civility amongst the commissioners.

Mr. Rilling then said that he thought there should be an end to the debate. At this point, Ms. Wilson called for a vote on both candidates. The vote for Mr. Santo was 4-3 and the vote for Mr. Mushak was 3-4. Ms. Wilson then began to call for a vote on the Vice Chairperson. Since there was only one nominee, Mr. Sumpter nominated Mr. Mushak for the role. He made another statement about how he would enforce the by-laws in order to restore integrity and trust to the Zoning Commission. The vote for Ms. Wilson was 4-3 and the vote for Mr. Mushak was 3-4. Ms. Jacobson ran unopposed for the Secretary position. Mr. Wrinn confirmed that Mr. Santo was Chairperson, Ms. Wilson was Vice Chairperson and Ms. Jacobson was secretary. Mr. Mushak said that he looked forward to working with everyone as well as working on the issue that he had addressed.

VII. APPROVAL OF MINUTES: September 19, 2013 MS. JACOBSON MOVED to approve the minutes.

**** MR. MUSHAK SECONDED.
** MOTION PASSED (6-0).**

VIII. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn said that Mr. Glazer's application would be on the Zoning Commission agenda in November. Also, he told the commissioners that he and the staff were learning the new audio/visual system which had been installed in the room.

IX. COMMENTS OF COMMISSIONERS

There were no comments from commissioners.

X. ADJOURNMENT

**** MS. JACOBSON MADE A MOTION TO ADJOURN.
** MR. SUMPTER SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Diana Palmentiero