

**CITY OF NORWALK
ZONING COMMISSION
August 19, 2015**

PRESENT: Linda Kruk, acting as Chair; Emily Wilson; Jill Jacobson; Nate Sumpter; Mike O'Reilly; Rod Johnson

STAFF: Mike Wrinn; Frank Strauch; Jim Bova

OTHERS: Atty Al Vasko; Stephanie Croswell; Juan Perez; Michael Galanty; Keisha Dates; Willard Langley; Atty Liz Suchy; Holton McCord; Kate Throckmorton; Ed Clemente; Chris Caron; Elaine Jaffe; Atty Keith Ainsworth; Bruce Lorentzen; Dr. Steven Danzer; Tess Jucaite; Marty Smith; Celia Maddox; Peggy Holton; Robert Cutler; Joe Pugliese; Rob Welsh; Marti Coleman; Joanne Jackson; Alison Wagoner; Diane Lauricella; John Moeling; Elsa Pearson; Diane Keefe; Todd Bryant; Marisa Bryant; Mike Mushak; State Representative Gail Lavielle; Council Member Doug Hempstead; Council Member Richard Bonenfant

I. CALL TO ORDER

Ms. Kruk called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

Before the public hearings began, Ms. Kruk went over the guidelines.

III. PUBLIC HEARINGS

a. #8-15 – Miracle Temple Church of God in Christ of Norwalk, Inc. – 1 Trinity Place – Child daycare center

Atty Al Vasko began the presentation by introducing members of the applicant's team, as well as handing in the certified, return receipt cards, evidencing notice of the public hearing to the abutting neighbors. He then oriented the commissioners as to the location of the property on an aerial map. He described the day care business, the ages of the children for this facility as well as the hours of operation and the number of employees.

Stephanie Croswell, owner of the daycare center and the applicant, continued the presentation by describing the program. She believed there was a need for infant/toddler daycare in this area.

Atty Vasko briefly spoke about the parking spaces that were required and drainage. Then he introduced Juan Perez.

Mr. Perez, the engineer on the project, continued the presentation by going over the site plans with respect site improvements, including those to the drainage system, landscaping, parking spaces and traffic flow.

Atty Vasko introduced Michael Galante, the traffic engineer who had prepared the traffic analysis.

Michael Galante, the traffic engineer, continued the presentation by explaining how he had conducted the traffic analysis, which included counting cars for the number of trips and volume on the road as well as accident reports.

Atty Vasko gave a brief wrap-up of the presentation and asked the commissioners for an approval of the application. None of the commissioners had any questions.

Keisha Dates spoke in support of the application because she believed that there is a need for this type of child care in the area and in Norwalk.

Willard Langley has been a member of the Miracle Temple Church for many years. He spoke in support of the application.

Atty Vasko once again asked the commissioners to look favorably on the application. Ms. Kruk closed the public hearing.

b. #5-15SP – Special Properties II, LLC – 78 Cranbury Road/440 Newtown Ave – 15 Unit Conservation development

Atty Suchy began the presentation by welcoming the new Zoning Commissioner, Rod Johnson. She then turned in the certified, return receipt cards, evidencing notice of the public hearing to the abutting neighbors. She then introduced the other team members that would be addressing the commissioners. She went on to describe to the commissioners what the application did not include which were a zone change, text amendments or variances. There are 2 conservation easements on the property which will remain, exactly the same as they are at the present time. She also described the history of the property which was owned by Lucille Lortel, who started the White Barn summer stock theater. They stopped having products in the early 1990s. She then said that the Connecticut Friends School tried to develop but the project never happened and the approval ran out. She described the different uses that could also be on the property including churches, schools, mosques, farms, playgrounds, etc. as well as a conservation development. She then discussed the application. Atty Suchy said that the Conservation Commission had approved the application, along with other city departments. She described the conservation development as it was described in the city's regulations. She noted that it met Zoning requirements.

Mr. Sumpter asked about the storm drainage system which was going to be set up for the 100 year storm. Atty Suchy said that Mr. McCord could answer his questions better than she could.

Holton McCord, the engineer on the project, continued the presentation. He gave a brief description of his background as well as the fact that he had worked on the previous Connecticut Friends School application. He showed a diagram to the commissioners of what the property looks like including the White Barn and Ms. Lortel's summer residence. He also showed them the conservation easements which had been negotiated during the application process for the Connecticut Friends School. He also explained the density and how it was calculated. He told the commissioners that the conservation development is better for the homeowners since there is a common ownership by the owners. He showed the commissioners the proposed site utility plans. Mr. McCord then went over the site utility plan including the level spreaders. The storm water management plan was designed for the 100 year storm. The City's Zoning requirements are only for the 25 year storm. He explained the design and showed the commissioners a map of Stony Brook and described some of the culverts. He also showed a diagram which was the "as of right" diagram. It showed 10 independent houses, whose homeowners could do whatever they wanted with the land. A conservation development would not allow certain things to happen with the land. He also went over the construction schedule.

Kate Throckmorton, the landscape architect, continued the presentation by discussing the prepared landscape plan and the wetlands on the property. She explained how the driveway would

have to be widened. There would be 2 wetlands systems so the driveway would have to be split into 2 driveways. She described the plantings to be used on the property as well as showing them other enhancements. She said the current parking lots that are there are coming out. She then discussed the buffers to the existing neighbors. She then went over the lightening plans which would designate the driveway and parking areas. There was a discussion about the walkability of the property. She showed them on the plans where the natural areas were and where the lawns would be.

Ed Clemente, the architect on the project, continued the presentation by showing the commissioners the plans of the homes. He said they were designed for empty nesters. He described the size, number of bedrooms, etc. of the homes.

Mike Galanty, the traffic engineer, continued the presentation by discussing this background. He also discussed how the traffic analysis was prepared. He explained the current traffic conditions and then what the new volumes would be as well as the levels of service. He discussed the accident data that they analyzed.

Mr. Clemente was asked to give a few more details about the design of the homes that were to be built. They would be traditional inside with open floor plans.

Chris Caron, a real estate appraiser, continued the presentation by first, telling the commissioners about his background and then explaining how he had prepared the appraisal. He then explained how the tax revenues would impact Norwalk's revenues. He said the project would be beneficial to the city.

Elaine Jaffe, of Berkshire-Hathaway, continued the presentation by explaining who the typical homeowner of these homes would be. She also explained similar housing developments in other towns that she was involved with. Since the association did not plan to allow swing sets, basketball nets, etc. it would not appeal to those people with children. She also explained that there are no other developments like this in Fairfield County. Mr. Sumpter had concerns about this "exclusivity" which Ms. Jaffe seemed to address.

Atty Suchy asked that Ms. Kruk allow her to rebut the remarks from the public.

Ms. Kruk then invited some of Norwalk's city officials, who were in attendance, to make any comments that they might have. None did at this portion of the public hearing.

Mr. Wrinn said that in the commissioners' packets there were packets of letters from the public in either support or against the application.

Atty Ainsworth, representing the interveners, the Norwalk Land Trust, continued the presentation by handing out copies of their brief in opposition to the application, to the commissioners. He described what "conservation development" meant. His clients believe that the conservation development does not meet the correct calculations. He discussed the plans on the northeast side which showed industrial electrical wires and how they worked. He noted that they were not depicted on the applicant's exhibits. He then discussed why the conservation area is not really a conservation area. Eversource could exercise rights to enlarge the utility facilities in this area. If that is the case, the conservation area could be changed which then would not really be a conservation development. He also explained the previous open space that was purchased by Norwalk. He said that if this was not truly a conservation area the commissioners should deny the application.

Bruce Lorentzen, continued the presentation by first explaining his background with the former Connecticut Light and Power and then discussing in further detail about the utility lines which he said were "industrial grade lines." He explained which substations they would "feed" as well as how they were repaired when the power went out. He said it was difficult to get to them. He also explained the tree trimmings they would do so that they would not take the lines down.

Atty Ainsworth introduced the next speaker, Dr. Steve Danzer. Dr. Danzer continued the presentation by handing out his report to the commissioners and discussing his background. He began by discussing the definition of conservation restriction. There is potential for more development in the area. He also described how to alleviate light pollution as well as how to re-design where the houses should be. He discussed the walking trails and parking lots. He said that there were additional calculations at the end of his report.

Tess Jucaite, of TJ Engineering, continued the presentation with concerns about sewers and the storm water management proposed by the applicant. She said they should follow Low Impact Development Measures which would include rain gardens, storm barrels, etc. which were reflected in the application.

Marty Smith, 42 Ledgebrook Drive, spoke in opposition to the project. She said she was a past president of the Norwalk Land Trust. She then read a letter into the record from a recent intern who also opposed the application.

Celia Maddox, 112 Partrick Drive, spoke in opposition to the project. She gave a detailed history of the White Barn and Lucille Lortel summer residence. She also referenced the Plan of Conservation and Development where she thought it supported opposition to the application.

Peggy Holton, a Vice President of the Norwalk Land Trust, spoke in opposition to the application. She handed out 2 packets to the commissioners. She also referenced a slide which showed them the power lines on the property which had come down in Superstorm Sandy and could come down again. She was also concerned about the loss of trees to put in the sewers as well as the wildlife on the property.

Robert Cutler, 100 Partrick, spoke in opposition to the project. He told the commissioners that Stony Brook and a pond were at the back of his house. He has to maintain a dam on his property. The project will directly impact his property. He was disappointed that the developer never spoke with him about the plans. There is a lot of flooding on his property and he expects more when the project is completed.

Joe Pugliese spoke in opposition to the application.

Rob Welsh spoke in opposition to the application. He was concerned that over 100 mature trees would be cut down for the project.

Marti Coleman, 456 Newtown Avenue, spoke in opposition to the application. She had not been contacted by the developer, as previous neighbors had mentioned. She believe there would be increased noise and light pollution from the houses that were going to be built on the property.

Joanne Jackson, 450 Newtown Avenue, spoke in opposition to the application. She also submitted over 80 letters in opposition to the project.

Alison Wagoner spoke in opposition to the application. She read a letter, in part, from Matthew Mandel of Westport, who was also opposed to the application, and suggested that the commissioners decrease the number of houses to be built.

Ms. Kruk reminded the upcoming speakers to keep their remarks short to allow everyone the chance to speak as well as not repeating things that have already been said.

Diane Lauricella, 21 Blue Mountain Ridge, spoke in opposition to the application. She was concerned about the drinking water in this area. She submitted exhibits from the Norwalk Zoning

regulations as well as read from Norwalk's Plan of Conservation and Development. She felt that the Conservation Commission had not done their due diligence.

John Moeling, president of the Norwalk Land Trust, spoke in opposition to the application. He noted that the Norwalk Land Trust had not been consulted on this application.

Elsa Peterson spoke in opposition to the application.

Diane Keefe, 249 Chestnut Hill Road, spoke in opposition to the application.

Todd Bryant spoke in opposition to the application. He suggested that the White Barn could be listed in the National Register of Historic Homes.

Marisa Bryant spoke in opposition to the application. She was concerned about the natural resources and said that the developer was not building "green" homes.

Mike Mushak spoke in opposition to the application. He gave his background, including his time as a Zoning Commissioner. He said that the Norwalk Zoning regulations are obsolete. He also noted how the houses that would be built in this development were "snout houses" because the garages were in the front.

State Representative Gail Lavielle, who represented this portion of Westport and Norwalk, where the project would be located, if approved, asked the commissioners to remember what the members of the public said that spoke at the public hearing.

Doug Hempstead, a member of the Common Council, at large, discussed the history of the application as he knew it.

Richard Bonefant, a member of the Common Council, at large, said that he had met with neighbors and there were concerns about drainage.

Since there were no more speakers, at this point, Ms. Kruk closed the public speaking portion of the public hearing. She then said that the rebuttal would be held at a special meeting the following Wednesday. Atty Suchy would handle the rebuttal at that time.

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

a. Action on Items III. a. and b.

i. #8-15 – Miracle Temple Church of God in Christ of Norwalk, Inc. – 1 Trinity Place – Child daycare center

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #8-15SP – Alliance Energy, LLC – Miracle Temple Church of God in Christ of Norwalk, Inc. – 1 Trinity Pl – Child daycare center as shown A-2 Survey titled: "Zoning Location Survey of a Property Prepared For Growing Seeds Daycare, #1 Trinity Place, Norwalk, Connecticut, Scale: 1"=10', Date: Feb. 17, 2015 by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and as shown on various site and engineering plans by Landtech Engineers, Westport, CT dated 4/15/2015 and revised to 6/23/2015 and on the architectural plans received by the Planning & Zoning Department, dated received on 6/5/2015 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and

3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. 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
5. That the number of children at the day care be limited to a maximum of 12 and that the age range from newborn to 3 years old only and any proposal to go above any of these numbers will require Zoning Commission review and approval; and
6. That all signage, existing and proposed, comply with the zoning regulations; and
7. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
8. That a stormwater system be maintained per the maintenance plan submitted; and
9. That any graffiti on the site, now or in the future, be removed immediately; and
10. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-360, "D Residential " and 118-1450 "Special Permit"; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

ii. **#5-15SP – Special Properties II, LLC – 78 Cranbury Road/440 Newtown Ave – 15 Unit Conservation development**

This item was sent back to the Plan Review Committee for further review.

b. **#5-111SPR/#10-11 CAM – Norwalk Land Development, LLC (GGP) – 51-63 West Ave/15-25 Putnam – District 95/7 South – 265,283 sf mixed use development with 232 multifamily units, 16,500 sf. retail, 7,200 sq. office and 321 sp garage in a Design District Development Park – Request for 9 month extension of approval time – Report and recommended action**

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request for an extension of approval time for site plan application **#5-11SPR** and coastal site plan application **#10-11CAM**; Norwalk Land Development, LLC (formerly 95/7 Ventures, LLC) – 63 West Avenue/North Water St – South Block - 265,283 sq. ft. mixed use development with 232 multifamily dwelling units, 16,500 sq ft retail, 7,200 sq. ft. office & 312 space garage within a design district development park as shown on a set of plans entitled "District 95/7 South Parcel, Site Plan Review Submission" by Beinfield Architecture and Stantec Consulting, dated May 20, 2011 as revised to July 8, 2011, be approved **for a period of 9 months from the effective date of this approval**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **May 26, 2016**; and

BE IT FURTHER RESOLVED that the effective date of this action be August 28, 2015.

Ms. Wilson seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.
No one opposed.
No one abstained.

c. #7-15 CAM – Hickory Bluff, LLC – 31 Bluff Avenue – New SFR – Report and recommended action.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #7-15CAM, construction of a proposed single-family residence for the property 31 Bluff Avenue and as shown on the A-2 Survey titled: "Zoning Location & Topographic Survey of 31 Bluff Avenue Prepared for Jane Bergere, Norwalk, Connecticut, Scale: 1"=20', Date: 7/30/2012 and Revised to 8/7/2015" by William Seymour & Associates, P.C. Land Surveyors, Jeffrey McDougal, Land Surveyor Connecticut Registration No. 70090 and on the engineering drawings dated 2/10/2015 and Revised to 8/7/2015 by McChord engineering Associates, Inc., Wilton, CT and on the architectural drawings of 4/28/2014 and Revised to 8/6/2015 by Studio III – Gary Stluka, AIA, Sag Harbor, NY be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
3. 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 August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.
No one opposed.
No one abstained.

d. #5-13SPR – Oakwood Ave Associates – 34 Oakwood Ave. – 4 story, 72,180 sq. ft. mixed use development with 53 multifamily dwelling units and 8,330 sq. ft office – Request for release of surety – Report and recommended action.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a release in the surety held for site plan #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 condition:

BE IT FURTHER RESOLVED that 15 % of the required surety be retained as a maintenance surety to ensure that the site improvements are maintained for an additional year; and

BE IT FURTHER RESOLVED that the effective date of this action be August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

e. #5-13SP/#7-13 CAM – Sprite Island Yacht Club – 23 Shorehaven Road – Request for release of maintenance surety – Report & recommended action.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on #5-13SP/#7-13CAM – Sprite Island Yacht Club – 23 Shorehaven Road – Request for release of the surety (maintenance) be **APPROVED** as the required improvements have been properly installed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

f. #4-12SPR/#24-12 CAM – Dimitrios Dimitroglou - 67 Fort Point Street – 7 unit MFR – Request for maintenance surety – Report and recommended action.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on #4-12SPR/#24-12 CAM – Dimitrios Dimitroglou – 67 Fort Point St. – 7 units of multi-family housing - Request for release of the surety (maintenance) be **APPROVED** as the required improvements have been properly installed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

g. #1-15MV – Midas – 377 Main Avenue = Replacement repairer's license – Report and Recommended action.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application, #1-15V - Midas – 377 Main Ave – Replacement repairer's license at 377 Main Avenue, and as shown on the site plan titled, "Data Accumulation Plan, Prepared for Leeds west, Inc., 377 Main Avenue, Norwalk, CT" Scale: 1"= 20'-0" Date: July 9, 2014 by J. Edwards & Associates, LLC, Jason Edwards, Land Surveyor – Connecticut Registration No. 70308 be **APPROVED** with the following conditions:

1. That there be no commercial towing / storage operation conducted on the site; and that all repairs be conducted within the building; and
2. That there be no outdoor storage of parts or auto carcasses; and
3. That there be no on-street parking of vehicles; and
4. That there shall be parking only in designated spaces as shown on the approved site plan; and
5. That there be no temporary signs erected at the site; and
6. That no off-premise signs are permitted; and
7. That any graffiti on the site, now or in the future, is to be removed immediately; and
8. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 28, 2015.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

V. APPROVAL OF MINUTES: July 15, 2015

Ms. Wilson moved to approve the minutes

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

VI. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn reminded the commissioners that the Special Meeting on the following Wednesday would start at 7 p.m.

VII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VIII. ADJOURNMENT

Ms. Kruk made a Motion to Adjourn.

Mr. Sumpter seconded.

Emily Wilson; Linda Kruk; Mike O'Reilly, Jill Jacobson; Nate Sumpter and Rod Johnson voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 11:56 p.m.

Respectfully submitted by,

Diana Palmentiero