

**CITY OF NORWALK  
ZONING COMMISSION  
October 21, 2015**

**PRESENT:** Adam Blank, Chair; Emily Wilson; Nathan Sumpter; Linda Kruk; Jill Jacobson;  
Doug Stern; Rod Johnson

**STAFF:** Michael Greene; Mike Wrinn; Frank Strauch; Jim Bova

**OTHERS:** Atty. William Hennessey; Pamela Hinton; Mr. Richardson;

**I. CALL TO ORDER**

Mr. Blank called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

Before Mr. Greene called the roll, Mr. Blank announced that one of the applications, #4-15SPR/#11-15CAM – 587 CT. Ave. LLC – 11 Belden Ave, which was scheduled for a public hearing, was withdrawn.

**III. PUBLIC HEARINGS**

**a. #16-15CAM – B. Beinfield – 2 Nearwater Rd. – New single family residence, convert existing dwelling to accessory use – Continue public hearing for Rebuttal ONLY**

Atty. Hennessey began the presentation by introducing the members of the team that were present. A memorandum with exhibits was provided to the commissioners as part of his rebuttal. Since there were so many members of the public that spoke in opposition at the public hearing, he noted that it would be difficult to rebut each person's testimony. Instead he had grouped certain themes together and would address those themes in his rebuttal. The first was that the commissioners should ignore the law and "do the right thing." He believed that since the application complied with Zoning regulations, there was no reason that the commissioners should "do the right thing" and vote against the application. The second argument was that the applicant did not file the CAM application correctly. Atty. Hennessey said that all of the appropriate agencies have vetted this application. The next argument was that if the existing cottage remains intact, it will result in a future violation of the Zoning regulations. He said that Mr. Beinfield would never violate the Zoning regulations especially since he knew the neighbors would be watching for this. This fear of the neighbors could not be used against Mr. Beinfield. Next, Atty. Hennessey spoke about the letter from Marcy Balint at the Connecticut Department of Energy and Environmental Protection ("DEEP") which many members of the public referenced. He discussed many of the recommendations in Ms. Balint's letter including the replacement value of the kitchen in the cottage, the safety of the cottage, the size of the lot and the house. Another argument that the neighbors raised was that the natural beauty of Farm Creek would be lost by the construction of Mr. Beinfield's single family residence which could also hinder their views. At this point, Atty. Hennessey also handed in a copy of the Power Point presentation shown at the public hearing. He used one of the neighbors as an example of how this argument did not ring true. He also explained that losing one's view is not a reason to deny the application. Atty. Hennessey spoke about Mr. Ettinger, the former owner of the property, who many neighbors believed would not approve of the application. Atty. Hennessey said that there was a zoning application filed in 2004 by Mr. Ettinger, which would have removed the kitchen from the house that is there. A new structure would have been in the same place as Mr. Beinfield's proposed house. There were other similarities to this application and Mr. Ettinger's approval, which was never built. The last theme that Atty. Hennessey touched on was the cottage which was in the flood zone. Members of the public believed it would be a threat to public safety. He reminded them that the cottage has weathered bad storms before and it had been there since 1949.

To summarize, Atty. Hennessey said that the application complied with all regulations and believed the neighbors did not want change in their neighborhood. He left copies of the maps for the

commissioners.

Mr. Blank closed the public hearing.

**b. #11-15SP/#18-15CAM – Pam Hinton – 17 Park Street – Reuse of existing building for new 64 child daycare facility**

Mr. Blank opened the public hearing. Ms. Hinton began the presentation by briefly explaining the application which was for a daycare facility, including the hours of operation. She said that she did not have her traffic engineer with her.

Mr. Richardson continued the presentation by explaining what changes were made to the site plans after the commissioners had asked for them. He also said that the driveways would be patched and sealed. He also described the signage which would be what was set forth by the East Avenue Village District. Mr. Strauch had seen all the plans prior to the public hearing except the landscaping plan.

No one spoke for or against the application. Mr. Blank closed the public hearing.

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

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

**i. #16-15CAM – B. Beinfeld – 2 Nearwater Rd. – New single family residence, convert existing dwelling to accessory use – Continue public hearing for Rebuttal ONLY**

Mr. Blank announced that this application would be sent back to the Plan Review Committee for further discussion and review.

**ii. #11-15SP/#18-15CAM – Pam Hinton – 17 Park Street – Reuse of existing building for new 64 child daycare facility**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that application #11-15SP/#18-15CAM – Pam Hinton – 17 Park Street – Reuse of existing building for new 64 child daycare facility as shown A-2 Survey titled: "Zoning Location Survey, 17 Park Street, Bright Beginnings Early Childhood Program, Norwalk, Connecticut, Scale: 1"=10', Date: August 18, 2015 by William W. Seymour & Associates, P.C., Mark S. Lebow Land Surveyor – Connecticut Registration No. 15564 and as shown on the site and architectural plans by Edgar Eric Richardson, Bridgeport, CT (Sealed by David A Fritzinger, Registered Architect. CT Lic. # 8035) dated 7/18/2015 and revised to 9/24/2015 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 64 children and that the age range from infant to toddler be only 24 children max. and that preschooler to 5 year old be only 40 children max. and that any 6-12 year old children be accommodated during the summer months and school breaks (if available) and any proposal to go above any of these numbers will require Zoning Commission review and approval; and
6. That wheel stops be installed for each parking space; and
7. That the driveway and parking lot be repaired and seal coated completely before any striping be done; and
8. That there be new landscaping installed and as require by P&Z staff and be appropriately maintained; and

9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
11. That a stormwater system be cleaned out and filter inserts be installed per the drainage report that was submitted; and
12. That any graffiti on the site, now or in the future, be removed immediately; and
13. 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 §118-500, "East Avenue Village District" 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 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 30, 2015.

**Ms. Kruk seconded.**

**Emily Wilson; Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #5-15SP – Special Properties II, LLC – 78 Cranbury Rd/440 Newtown Av – 15 unit Conservation development – Report & recommended action**

Before this application was voted upon, Mr. Blank recused himself and left the room.

**\*\* MS. JACOBSON MOVED: RESOLVED** that the Norwalk Zoning Commission, after discussing and reviewing the public record for application #5-15 SP – Special Properties II, LLC at 78 Cranbury Road / 440 Newtown Avenue for a 15 unit residential conservation development, does **not** believe that the application involves conduct which has or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

The decision is made because

1. Other than statements to that affect, there was no conclusive credible testimony or evidence that such an adverse impact would likely be caused by this proposal
2. The application includes a well-planned effort to conserve plants and trees, including the addition of plantings to restore already disturbed land.
3. The plan includes a drainage plan to reduce flooding which could be caused by this development
4. Already impacted wetlands will be remediated and enhanced
5. The amount of clear cutting which was alleged was not accurate and the amount of tree removal proposed is reasonable
6. The allegation of unreasonably heating runoff from storm drainage was not creditable in that it was not beyond what any development would do
7. The proposed density of 15 units on 15.415 acres is not more than that expected in a zone that allows 30 units on 15 acres as of right. In fact, it is exactly what was anticipated when this regulation was adopted as a means to protect sensitive environmental areas
8. All of the adjoining properties have similar densities
9. That the development goes above and beyond the minimum 40 foot setback from the wetlands and watercourse as required in the regulations
10. That the use of disturbed land can be designated as conservation land, as long as it is properly landscaped as proposed by the application

**BE IT FURTHER RESOLVED** that application #5-15 SP – Special Properties II, LLC at 78 Cranbury Road / 440 Newtown Avenue for a 15 unit residential conservation development submitted by Special Properties II, LLC, as shown on various plans by McChord Engineering Associates, Wilton CT, entitled “Plan Prepared for Special Properties II, LLC” , Scale 1”=20’, dated , revised to 6/2/11 be **APPROVED** with the following conditions:

1. That prior to the start of any activity on the site, the conservation area must be delineated with markers and a low split rail fence installed to mark the boundary.
2. That all soil erosion and sedimentation controls be in place prior to any construction activity or site work; and
3. That any additional soil erosion and sedimentation controls, deemed necessary by the staff, be installed at the direction of the staff; and
4. That at the conclusion of the project, a Connecticut Licensed Engineer certify that the required improvements were installed to City standards; and
5. That the appropriate documents to insure the maintenance and preservation of the Conservation land be approved by the Commission’s staff and the Corporation Counsel and be filed on the Land Records; and
6. That the conservation area be fenced off and approved by the Commission’s staff prior to the start of any site work; and
7. That any existing trees to be preserved around the proposed utilities installation area , be fenced-off and inspected by the staff prior to any construction activity begins;
8. That upon completion of the installation of any utilities, the disturbed conservation area be returned to its natural state; and
9. That Certificate of Special Permit and the appropriate map be filed in the Town Clerk’s Office
10. That any future disturbance to the conservation area under the Eversource power line easement at the north end of the property be immediately replanted / restored as per the approved plan

**BE IT FURTHER RESOLVED THAT** the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-410 Conservation Developments and Section 118-1450, Special Permits; 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 October 30, 2015.

**Ms. Kruk seconded.**

**Emily Wilson; Linda Kruk; Nate Sumpter; Jill Jacobson; and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #8-14SPR/#9-14CAM - NW MFP Norwalk Town Ctr. LLC & 3Q Property LLC – 17 Butler St/3 Quincy St – 129,600 sf mixed use development with retail, restaurant, gym & 620 seat theater (#8-14SPR) – Request for 1 yr ext of approval time – Report & recommended action**

At this point, Mr. Blank returned to the meeting.

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#8-14SPR** and coastal site plan application **#9-14CAM - NW MFP Norwalk Town Center LLC & 3Q Property LLC – 17 Butler Street/3 Quincy Street** (South Block) – New 130,280 sq ft mixed use development with 54,250 sq ft retail, 3,229 sq ft restaurant, 11,441 sf gym and 620 seat theater and expand existing below grade parking garage to 150 pkg spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead Engineers dated June 17, 2014 as revised to September 2, 2014 and various

related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be **APPROVED**, 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 September 26, 2016 and

**BE IT FURTHER RESOLVED** that the effective date of this action be October 30, 2015.

**Mr. Sumpter seconded.**

**Emily Wilson; Linda Kruk; Nate Sumpter; Doug Stern; Adam Blank; Jill Jacobson; Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #9-14SPR/#10-14CAM - NW MFP Norwalk Town Ctr. LLC & 3Q Property LLC – 467 West Av – Retain 18,193 sf existing retail/rest @ 467 West Av – Request for 1 yr ext of approval time – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#9-14SPR** and coastal site plan application **#10-14CAM - NW MFP Norwalk Town Center LLC & 3Q Property LLC – 467 West Avenue** (South Block) – Retain existing 18,193 square foot building with retail and restaurant uses and add new below grade parking garage to increase parking to 324 spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead Engineers dated June 17, 2014 as revised to September 2, 2014 and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be approved:

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 September 26, 2016 and

**BE IT FURTHER RESOLVED** that the effective date of this action be October 30, 2015.

**Ms. Kruk seconded.**

**Emily Wilson; Linda Kruk; Nate Sumpter; Doug Stern; Adam Blank; Jill Jacobson; Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**e. #3-14SP/#11-14CAM – Maritime Village I, LLC – 17-19 Day St – 76 unit multifamily development (2 bldgs) & 6,430 sf office (existing bldg) in TOD area – Request for 1 year extension of approval time – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#3-14SP** and coastal site plan review application **#11-14CAM – Maritime Village I, LLC – 17-19 Day/Raymond Street – New 5 story, 56 ft. mixed use development with 76 unit multifamily dwelling units in two new buildings & convert existing building to 6,430 sf office and 2 dwelling units in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Maritime Village LLC 19 Day Street South Norwalk, CT 06854" by Beinfield Architecture and Rose Tiso & Co. LLC Engineers and other related plans dated October 14, 2014 as revised to May 2015, be approved, 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 October 24, 2016.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 30, 2015.

**Mr. Sumpter seconded.**  
**Emily Wilson; Linda Kruk; Nate Sumpter; Doug Stern; Adam Blank; Jill Jacobson;**  
**Rod Johnson voted in favor.**  
**No one opposed.**  
**No one abstained.**

**f. #6-11SPR – SoNo Metro LLC – 7-13 Chestnut St – 17 units & 11,000 sf office - Request for 1 yr ext of approval time – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#6-11SPR**– 11 Chestnut Street Site Plan Review for a 24,745 square foot mixed use development with 11,000 sq. ft. office and 17 multifamily units and related site improvements as shown on a certain set of plans by entitled “11 Chestnut Street Site Plan Review” by Beinfield Architecture dated June 23, 2011 Revision 1, by Rotondo Engineering dated revised to July 13, 2011, by Eric Rains Landscape dated June 20, 2011 and related site plans and drawings as revised to August 4, 2011, be **APPROVED**, 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 September 30, 2016.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 30, 2015.

**Ms. Kruk seconded.**  
**Emily Wilson; Linda Kruk; Nate Sumpter; Doug Stern; Adam Blank; Jill Jacobson;**  
**Rod Johnson voted in favor.**  
**No one opposed.**  
**No one abstained.**

**V. APPROVAL OF MINUTES: September 16, 2015**

**Ms. Wilson moved to approve the minutes for September 16, 2015.**

**Ms. Kruk seconded.**  
**Emily Wilson; Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern**  
**and Rod Johnson voted in favor.**  
**No one opposed.**  
**No one abstained.**

**VI. REPORT OF NOMINATING COMMITTEE – Election of officers**

Mr. Blank reported that the nominating committee was making recommendations as follows for the election of officers:

Adam Blank, Chair  
Nathan Sumpter, Vice Chair  
Linda Kruk, Secretary

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

**MS. WILSON MOVED** to nominate Adam Blank, Chairman, Nathan Sumpter, Vice Chair, Linda Kruk, Secretary.

**Ms. Kruk seconded.**  
**Emily Wilson; Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern**  
**and Rod Johnson voted in favor.**  
**No one opposed.**  
**No one abstained.**

Mr. Blank also said that Ms. Wilson would continue to chair the Zoning Committee and Ms. Jacobson the Plan Review Committee.

**VII. COMMENTS OF DIRECTOR**

Mr. Greene said that they had a meeting with the developer and their team for the Highpointe project. They had listened to the commissioners' comments about the project and made the appropriate changes.

**VIII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**IX. ADJOURNMENT**

**Ms. Wilson made a Motion to Adjourn.**

**Mr. Sumpter seconded.**

**Emily Wilson; Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Diana Palmentiero