TO NORWALK PLANNING & ZONING COMMISSION IN CARE OF P&Z DIRECTOR STEVE KLEPPIN SKLEPPIN@NORWALKCT.ORG

Please copy Mayor Harry Rillng and District C Council Members John Kydes & Jennifer McMurrer and ENNA Board:

hrilling@norwalkct.org; jkydes@norwalkct.org; jmcmurrer@norwalkct.org; info@eastnorwalk.org;

---------------------------------------------------------------------------------------------

**SUBJECT: 1 CEMETERY STREET SPECIAL PERMIT APPLICATION #2024-24SP**

Dear Norwalk Planning and Zoning Commissioners:

*{insert something personal here, such as how long you’ve lived in Norwalk*

I am / we are writing to respectfully ask you to consider the following concerns during your fair & thorough required review of the following Special Permit Standards and Public Amenity Bonus Points for the 1 Cemetery Street application, and to DENY the Application as not having satisfied the quality of life Standards, or adequately providing Public amenities commensurate with the scale, density, placement and required roadway modifications of this project.

**Specifically, my concerns relate to the following Special Permit Standards C (1) :**

1. **Density of use and bulk of buildings** – Although allowed through the compilation of Public Amenity “Bonus” Points created under the East Ave Village Transit Zone (EVTZ), the size and placement of this development is overwhelming and the setbacks from all three streets are inadequate; it is visibly out of scale with our neighborhood; it will negatively impact the virtually unobstructed views of trees and Mill Pond; and will create a looming structure that will overshadow abutting Pond properties and be a disturbing view to those entering our community from the East Avenue, Van Zant, and Old Saugatuck gateways. The proposed public amenities that qualified this proposal for an extra story and nearly double the units are inexpensive to create & maintain, are meaningless to residents, benefit only the developer to maximize profits, and unlikely to be seen or used by the public at large. They represent the valid concerns expressed by East Norwalk residents when we opposed their inclusion in the East Ave Village Transit Zone (EVTZ).
2. **"Stable traffic flow" shall mean that site-generated traffic shall not adversely pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service considered unacceptable to the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow *unless provision has been made for the improvement of inadequate conditions***  – The only stability that will result here is likely be consistent congestion during peak months & hours, and excessive air pollution due to the proposed modification of both Cemetery Street and Gregory Boulevard. The Applicant’s traffic analysis is flawed due in no small part to their traffic count timeframe (March, instead of summer season) and their comparison of peak traffic hours that actually fall outside of the Wells Fargo Bank opening 9am and 5pm/12pm closing hours. The modification of State Route 136 Cemetery Street to a one-lane, one way road and the modification of Gregory Boulevard northbound to yield to oncoming northeast bound traffic is NOT a reasonable provision to be suggested or approved in line with a private development. Nor is it reasonable to suggest that Gregory Blvd be reduced to a single northbound lane prior to Roger Square. It is major modification that is being requested for the sole benefit of a private property owner at the expense of the residents of and visitors to East Norwalk.
3. **Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstruction** – Although this parcel is within walking distance of the train station, and we are told the proposed sidewalks meet a minimum clearance, the City’s acceptable standard is 7 feet unobstructed. The reduction in sidewalk clearance represents yet another concern raised by residents during the 2021 opposition of the EVTZ zone.
4. **Availability and compatibility of utilities** – Electric, gas and communication utilities are assumed – however, the impact on the sewer system and water supply are of monumental concern, as, despite staff reports to the contrary, neither system is currently adequate as highlighted by chronic flooding, excessive sewerage discharge into Long Island Sound and backflow into homes & businesses, and extended drought conditions that now require annual water restrictions April – October (First District Water Department) and mandatory 2022 fall season (Mayor Rilling).
5. **Adverse impact from noise, odor, fumes, dust and artificial lighting –** This development will not only create months, if not years, of disruptive excavation & construction noise, odor and dust, but the ongoing occupied complex with result in noise, odor & artificial lighting that has not ever existed on the parcel, and will be at hours that create disturbances to abutting residents from one end of the pond to the other and to the habitat and nesting areas of wildlife. Despite existing building codes and zoning regulations, it is likely that lighting, noise, & rooftop mechanicals will disorient migrating birds (<https://www.darksky.org/light-pollution/wildlife/>) and disturb nesting birds and other animals that inhabit the pond area. Noise, odor, fumes, dust and artificial lighting will be exacerbated by this proposal’s height, parcel layout (especially with rear parking & under-structure parking and rear public/private amenities, possible food establishment as the retail use in the “anchor” northwest corner. The proposed uses (residential and retail/food) will create excessive trash & recycling resulting in noise, odors, and increased rodent & pest activity.
6. **Signs of size and design that are in harmony with the neighborhood –** Because the signage permit is not required at the time of Special Permit approval, it’s not possible for the public to discern probable signage or location. However, due to the nature of the large retail component on the northwest corner, it is likely there will be large, illuminated signage on at least the Cemetery Street side, and probably the East Ave side. Even if hours of operation were restricted (which is unlikely), there would still be artificially lit signage for extended hours during winter.
7. **Adequacy of yards and open space, screen and buffering –** The February 14th, 2023 draft Design Review conducted by consultants DeCarlo & Doll appropriately highlights the overall lack of open & green space and takes exception with the inclusion of “rooftop terraces” in the compliance calculation saying *“We do not believe it is appropriate include rooftop decks or other above ground areas as open space.”* It is also unlikely that the initial construction will include mature, 20-30 foot barrier trees, and so it will be years before sufficient natural buffering is achieved. Additionally, for the Design Guidelines (section 2a) to include sidewalks constructed within the property as “public realm” or in open space calculations is unacceptable. As to open space, residents all over Norwalk can attest to an overall reduction in onsite green/open space for new developments, and in many neighborhoods the tenant dog owners have no option other than neighboring yards or public parks to walk, exercise and “relieve” their pets. Additional grass or turf space must be made available onsite for ALL developments, and any future tenants in this area should be instructed to refrain from walking pets in the East Norwalk Historic Cemetery or creating a dog dumping ground out of Roger Ludlow Triangle .
8. **Impact on neighborhood properties, as compared to uses and structures permitted as of right** The proposed structures will create a negative impact the neighborhood around the Cemetery and Mill Pond as they are out of scale and begin the formation of the “canyon” effect in the corridor. Additionally, the properties immediately abutting the parcel will have obstructed northbound views and be subjected to air, noise, light and glare pollution. Homeowners there have known no other commercial neighbor except banks – a small building creating minimal peak hour traffic and virtually no noise, light, or glare pollution. There were limited drive-thru hours, few daily deliveries and zero Sunday and holiday activities. As of right structures that are 2-1/2 stories or less, spaced out on the parcel with only one residential unit per 1,250sf, and activated ground floor would reduce nearly every objectionable impact noted for this Application.
9. **Existing land use in the area -** This development application is the second under “Transit Oriented Development” concept but the first under the recently approved East Ave Village Transit Zone regulations that allow increased density and height, and itself proves to be not in harmony with the surrounding area, with the possible exception of the initial TOD designated project, Brim & Crown, which was also widely rejected by our community. The density and scale that residents rejected during the EVTZ hearings and the “critical mass” that even TOD consultants Harriman warned against are now coming to fruition, and premature approval of this precedent-setting application could become the blueprint for all future development in the corridor, leaving virtually no discretion for this or future Commissions to deny.
10. Proximity of community facilities x
11. **Compliance with Zoning Code and Plan of Conservation & Development** It seems obvious that this parcel and project were in mind during the creation and adoption of both the Plan of Conservation & Development (Master Plan) and today’s TOD/EVTZ code – in fact, we believe that significant portions of the EVTZ code as adopted were crafted & included for 1 Cemetery Street, most obviously the 11th hour modifications to allow ground floor residential & just “corner” activation on developments spanning an entire block. It bears repeating here: The EVTZ code was adopted by the City despite widespread opposition by our East Norwalk community.
12. **Conservation of wetlands, watercourses, and other ecologically valuable lands** While there may be some dispute with the Applicant’s calculations for the reduction in stormwater runoff from the parcel, and perhaps aslight decrease in impervious surface, there is NO doubt that a development of this size and nature will FOREVER alter the ecology, tranquility and environmental benefits of Mill Pond. The rear setbacks are at a minimum, the proposed “public park” at Fenwick, and a “conceptual” pier at Mill Pond will all impact wildlife breeding & nesting and migration habits of birds including our cranes, egrets, osprey, hawks and many more. The artificial lighting, especially 24/7 safety lighting, rooftop mechanicals, significant glass glare, noise, and refuse/recycling/snow removal that did not exist under the prior use (and would be minimized by a more suitable as-of-right proposal) will disturb the existing wildlife and perhaps prevent future habitation.
13. No zoning violations exist on the property x

**And, in regards to the proposed “Public Amenities” that were compiled to achieve the 3-1/2 story height and 77-unit density, my specific concerns are:**

* **Public Plaza** – (requesting 7 points) *This is insufficiently & inappropriately placed; creates sense of private property & “trespassing”; creates street activation only on a residential side-street; and as admitted by Applicants is “likely to be used for retail operator patrons”*
* **Unique Features –** requesting 6 bonus points with the following breakdown
	+ - **Shaded Seating – (**3 bonus points requested**)** – *Is limited, barely shaded & does not depict tables but will be used mostly by retail patrons.*
		- **Powered Seating – (**1 bonus point requested**)** – *Is meaningless when compared to the value to Applicant of the additional residential units in perpetuity.*
		- **Public Art – (**2 bonus points requested**)** *- Is meaningless when compared to the value to Applicant of the additional residential units in perpetuity*
* **Sustainable Amenities**
	+ - **Rain Garden** – (2 bonus points requested) - *Is seasonal and benefits Applicant for stormwater management compliance*
		- **Integrated Garden** – (3 bonus points requested) *Is seasonal and benefits Applicant for stormwater management compliance*
		- **Rain Garden #2**– (3 bonus points requested) - *Is seasonal and benefits Applicant for stormwater management compliance*
		- **Pollinator Habitat** – (2 bonus points requested) – *Is seasonal*
		- **Rooftop Solar** – (5 bonus points requested) – *primarily benefits the Applicant*
		- **Porous Pavement** – (3 bonus points requested) – *benefits Applicant for stormwater management compliance and should be required/price of entry*
		- **Public Waterfront Access** – (5 bonus points requested) – *Should be accomplished by City easement and DEEP regulations for waterfront access*.

In conclusion, and in consideration of my/our firsthand knowledge of my/our neighborhood, my/our past observation of the parcel, and my/our concerns noted above, I/we request that you deny the application (with or without prejudice) and send it back to the Applicants for modifications that will scale back and vary building heights; consider creating 3 or more smaller village style buildings; reduce the 133 bedrooms residential density; provide architecture as was promised representing a nautical/maritime theme; increase all street setbacks & provide public benches & bus stop shelters; provide all required parking onsite; rescind the request to modify Cemetery Street and Gregory Boulevard; and disallow any resubmission for the renaming of Cemetery Street.

Sincerely,

Name

Address