

**CITY OF NORWALK
ZONING COMMISSION
May 17, 2017**

PRESENT: Nate Sumpter, Chair; Louis Schulman; Doug Stern; Joe Passero; Richard Roina; Mike Witherspoon; Galen Wells; Roderick Johnson

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Bill Hennessey; Peter Romano; Atty. Jay Klein; Michael Farrow; Diane CeCe; Colin Hosten; Paul Braschi; Teresa Peterson; Diane Lauricella;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:04 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Sumpter then presented former Zoning Commissioners, Jill Jacobson and Adam Blank, the Chair of the Zoning Commission as well, with plaques for their years of service. He then told the audience how the public hearings would work.

III. PUBLIC HEARINGS

a. #5-17SP – Paul Garavel – 85 Dr. MLK Jr. Drive – Storage of motor vehicles – This item was withdrawn.

b. #1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow storage of empty solid waste containers and refuse collection receptacles associated with an approved solid waste transfer station as a contractor’s storage yard and

c. #1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor’s storage yard to store empty containers and refuse collection receptacles within 100 ft of an existing solid waste transfer station

Atty. Hennessey began the presentation by asking the commissioners if both items could be heard at the same time. He handed the certified mail, return receipts evidencing the notice of the public hearing to the abutting neighbors. He also explained about ownership of the property and handed in copies of the deed for the record. He gave a brief history of the property as well as the application. He also oriented the commissioners as to the location of the property on the site plan. He explained the use of the property and how the tenant’s operation worked. He said there are no employees on the site except for a clean-up. The site was used for container storage. He then explained how the applicant appeared before the Zoning Commission which started with a notice of violation over 1 year ago. The site was not in conformance with Department

of Energy and Environmental Protection (“D.E.E.P.”) regulations but it is now in compliance. There was then a question about a permit for the property which could not be found. The applicant had to appear before the Zoning Board of Appeals as well as then applying to the Zoning Commission. The cease and desist was put on hold. A text change was also filed as part of the Zoning application. He discussed what the Zoning staff requested as part of the application, some of which the applicant did not agree with it. He explained that fewer containers were stored in the summer than in the winter, because of the nature of construction.

Pete Romano, of Landtech, continued the presentation by explaining the drainage and the quality of water which was flowing toward the tidal wetlands. He explained on the site plans where the drainage system would be. He showed them the landscape plan which would also help cleanse the water. Currently there are no trees on the property. Mr. Romano said that there would be shrubs. There was a concern about paving the site.

Atty. Hennessy explained why paving the whole site was not a good idea. There was a discussion about the amount of containers on the site, as well as high they would be stacked. There was also a discussion about how little of a change there would be in traffic. He then discussed the text amendment and handed binders to Mr. Kleppin. There was a discussion about an abutting neighbor. Atty. Hennessy said that they would consider growing ivy on the wall to disguise it.

Atty. Jay Klein explained that he went to the property in the morning and took pictures from the neighbors’ residential properties. He said that he could not see containers through the trees in the tidal wetlands. There was a discussion about the D.E.E.P. remediation which Atty. Hennessy said that the applicant did not want to do the remediation twice so they were waiting for a decision from the Zoning Commission. Atty. Klein’s pictures were passed out to the commissioners.

Michael Farrow, an owner of Meadow Street Partners, said that this property could hold 100 and possibly up to 200 containers on the property. Many of the containers could also be stored on their property in Milford. He said that 150 would be the maximum to be stored at this property because the trucks needed to get in and out of the property. There was a concern about the containers being stacked 3 high. Mr. Farrow explained that sometimes the containers were stacked three high when they were waiting to be fixed.

Atty. Hennessey then discussed the text change as well as the present language in the regulation. He said they were fine with the current language but would be fine with the new language as well. He said that the applicant would accept language that said the containers that came onto the property would be empty.

The hearing was opened to the public.

Diane CeCe, Olmstead Avenue, expressed her concerns about stacking the empty containers. She was concerned that in the winter there would be no foliage to hide the containers. She was also concerned about violators coming to the Zoning Commission with new text amendments in order to fix the problem.

Colin Hosten, Dock Road, President of Village Creek Homeowners Association, spoke in opposition to the application. He also noted that he had sent a statement to the commissioners earlier. He asked that the zoning regulations be enforced and reminded the commissioners that this application was in violation of the Plan of Conservation and Development (“POCD”). He said that they could produce photos to the commissioners. He said that they believed the tree coverage would be inadequate in terms of height. He thought the applicant gave some vague answers about the height. He noted that the Association has devoted time and money to helping protect the Long Island Sound.

Paul Braschi, 12 Split Rock Road, explained where his house was and noted that his house looked down on the property. He noted that Meadow Street Partners had reached out to Village Creek. He also noted that there had been problems in the past with City Carting. He said that containers could be seen clearly because they were on higher ground. He was also concerned about noise, especially early in the morning, which would come from trucks leaving the property. There was also a concern about dust storms. Many homes were affected by what goes on at the property. He spoke in opposition to the application. Noise violations were enforced by the police department. Mr. Braschi said that they would call the police to notify them of the noise. The neighbors would keep a log of which of them called, time, etc.

Teresa Peterson, Dock Road, said that she moved from Split Rock Road, because of the noise from Grasso properties and other dumpsters. She explained the “dumpster season” when noise violations would go up. She asked that the commissioners deny the application.

Diane Lauricella spoke in opposition to the application and noted that the Planning Commission had denied the application. She had at one time lived in Village Creek and had friends that still lived there. She said that noise traveled south where Village Creek was. She also noted that the doors to the transfer station were open and that the Zoning officers should look at them for violations. She also noted that noise could cause health issues. She also submitted exhibits for the record as well as read some regulations into the record.

Atty. Hennessey then began his rebuttal with addressing violations. He did not deny that there would be noise from an industrial zone that abuts a residential zone. He also discussed a plan approved by D.E.E.P. as well as noting that it complied with Coastal Area Management.

He noted that the applicant was applying for a site plan and not a special permit. He said that the applicant would agree to not have storage containers higher than 12 ft. and 2 containers high. He also said that the applicant would agree to maintaining the drainage system and landscape maintenance plan. There was a discussion about the hours of operation. There was a discussion about simplifying the language in the text amendment. There was also a discussion about paving the driveway to abate the dust. The applicant did not think this was a good idea and considered using another material. They would agree to come back to the Zoning Commission, if necessary, in a year. There was a discussion about maintenance of this area. There was a discussion about increasing the height of the concrete block wall to abate noise as well as different ways

to do so. Mr. Kleppin showed aerial photos of the property. Staff believed the applicant could store upwards of 200 containers, single height. The applicant said they would speak with the tenant to see how many containers they would agree to have on the property.

Mr. Schulman moved that the public hearing be held open to address issues, to hire a sound specialist to address noise and sound issues and to confirm how many containers could be stored on the property.

Mr. Roina seconded the motion. There was a discussion about whether a sound study would be necessary. Atty. Hennessey said the applicant would hire an acoustical engineer to study noise abatement. The commissioners agreed that these were the issues that the applicant would address since the public hearing would remain open: sound, height of wall, number of containers and a seasonal request to not stack during the summer.

Mr. Witherspoon read the referrals from the Planning Commission, which denied the application and the Coastal Area Management into the record. Harbor Management Commission approved the application.

Two proposed dates for the continuation of the public hearing were June 8 or June 21, 2017.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. Action on Item III. a.

This item was withdrawn.

b. #7-17CAM – Richard Pulcini – 14 Harborview Ave – New single family residence - Rpt & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #7-17CAM, construction of a new single-family residence for the property 14 Harbor View Avenue as shown on the zoning location survey dated 7/29/2016 and revised to 4/10/2017 by Arcamone Surveyors, Norwalk, CT and on the site development plan dated 3/15/2017 by Grumman Engineering, LLC, Norwalk, CT and on the architectural drawings dated 3/6/2017 and revised to 4/7/17 by L.F. Garcia, LLC, Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all required flood certifications be submitted; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. 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 May 26, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

c. #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Rd - Renovations and additions to existing concession building at Calf Pasture Beach for full service restaurant – Request for 1 yr extension of app time - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Concession as shown on various plans by Robert Storm Architects dated revised to February 11, 2003, 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 **March 31, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be May 26, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Louis Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

d. #21-15SP/#26-15CAM – Norwalk Land Development – The SoNo Collection – 1 Putnam Ave/N. Water/West Ave – Mixed use retail shopping center development (North parcel) - Request for 1 year extension of approval time - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that the request for an extension of approval time for special permit application **#21-15SP** and coastal site plan application **#26-15CAM** – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water St/Crescent St – **North Parcel**: 8 story, ±785,284 square foot mixed use retail shopping center development with ±519,435 sf retail, ±38,448 sf restaurant/cafe and public improvements with 2,493 parking spaces in a shared garage as shown on a set of plans entitled "THE SoNo COLLECTION A GGP Retail Development Project: Final Site Plan Submission" by RTKL Architecture, Langan Engineering, Mahan Rykiel et al, dated April 15, 2016 as revised to a set of plans entitled "Site Plan Approval Updates" October 7th 2016, be **APPROVED**, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **June 10, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be May 26, 2017.

Mr. Passero seconded.

Nate Sumpter; Louis Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

e. #22-15SP/#27-15CAM – Norwalk Land Development – The SoNo Collection –63 West Ave/Pine St – Mixed use retail shopping center development with 152 room hotel (South parcel) - Request for 1 year extension of approval time - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that the request for an extension of approval time for special permit application **#22-15SP** and coastal site plan application **#27-15CAM**; Norwalk Land Development, LLC (The SoNo Collection) – 63 West Ave/North Water St/Pine St Extension – **South Parcel**: 8 story, ±311,703 square foot mixed use retail shopping center development with ±156,945 sf retail, ±23,747 sf restaurant/cafe and public improvements and a ±13 story, 152 room hotel with 558 parking spaces in a shared garage as shown on a set of plans entitled "THE SoNo COLLECTION A GGP Retail Development Project: Final Site Plan Submission" by RTKL Architecture, Langan Engineering, Mahan Rykiel et al, dated April 15, 2016 as revised to a set of plans entitled "Site Plan Approval Updates" dated October 7th 2016, be **APPROVED**, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
4. That the new approval deadline for obtaining permits will be **June 10, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be May 26, 2017.

Mr. Passero seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

f. #8-17CAM – Petrini Café & Grill – 64 Wall St – Seasonal rooftop bar - Rpt & recommended action

Before the commissioners voted on this application, Mr. Stern recused himself and left the room.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application # 8-17 CAM, submitted by Petrini Café and Grill LLC and Petrini Family Investments, LLC for the addition of a seasonal outdoor rooftop bar at 64 Wall Street be **APPROVED** with the following conditions:

1. That any and all changes to the proposed plan receive prior approval of the zoning officer; and
2. That no live music or recorded music be played outdoors nor can any entertainment occur on the rooftop bar; and

BE IT FURTHER RESOLVED that no adverse impacts to the Coastal Environment are anticipated from this development; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

Mr. Stern returned to the room.

g. #3-14SP/#11-14CAM – Maritime Village I, LLC – 19 Day St – 57 unit mixed use development (2 new bldgs.) & 9,790 sf office (existing bldg) – Request to modify approved plans to revise use of Bldg A to manufacturing (distillery with tasting room) and office (2nd floor) - Rpt & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request to modify the approved plans for special permit application **#3-14SP** and coastal site plan review application **#11-14CAM** – Maritime Village I, LLC –19 Day St/Raymond Street to revise the use of Building A from 9,790 sf office to 6,430 sf mfg (distillery) and 3,330 sf office 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 as revised to **April 17, 2017**, be approved, subject to the following conditions:

1. That the original conditions of this special permit approval remain in effect; and
2. That this approval does not permit any outdoor dining or outdoor tasting room activities

BE IT FURTHER RESOLVED that the effective date of this action be May 26, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

h. #9-17CAM – K. Conroy – 140 Rowayton Av – 2 apartments in existing building with dormer - Rpt & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application # 9-17 CAM, submitted by 140 Rowayton Avenue Associates, LLC (K. Conroy) for the addition of 2 apartments in existing space at 140 Rowayton Avenue and the extension of the outdoor patio area for the restaurant space be **APPROVED** with the following conditions:

1. That any and all changes to the proposed plan receive prior approval of the zoning officer; and
2. That no live music or recorded music be played outdoors at the patio area; and

BE IT FURTHER RESOLVED that no adverse impacts to the Coastal Environment are anticipated from this development; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Louis Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE

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

Note: Action on zoning amendment must precede action on related Site plan review/CAM applications.

These two items were left open and referred back to the committee.

VI. APPROVAL OF MINUTES: April 19, 2017

**** MR. PASSERO MOVED** to approve the Planning Commission minutes of April 19, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Louis Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

VII. COMMENTS OF DIRECTOR: Discussion regarding proposed amendments for electronic signage at schools to include Brien McMahon High School

Mr. Kleppin handed out a draft amendment to the commissioners which he asked them to review for the committee meetings in June.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Joseph Passero made a Motion to Adjourn

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Diana Palmentiero